97th Congress }
1st Session } **SUBCOMMITTEE PRINT**

A COMPILATION OF STATE SUNSET STATUTES

WITH

BACKGROUND INFORMATION ON STATE SUNSET LAWS

A STAFF REPORT

PREPARED FOR THE

COMMITTEE ON RULES
U.S. HOUSE OF REPRESENTATIVES

BY THE

SUBCOMMITTEE ON THE LEGISLATIVE PROCESS

DECEMBER 1981

Printed for the use of the Committee on Rules

U.S. GOVERNMENT PRINTING OFFICE
84-777 O WASHINGTON : 1981

H 682-1

COMMITTEE ON RULES

RICHARD BOLLING, Missouri, *Chairman*

CLAUDE PEPPER, Florida
GILLIS W. LONG, Louisiana
JOHN JOSEPH MOAKLEY, Massachusetts
SHIRLEY CHISHOLM, New York
LEO C. ZEFERETTI, New York
BUTLER DERRICK, South Carolina
ANTHONY C. BEILENSON, California
MARTIN FROST, Texas
DAVID E. BONIOR, Michigan
TONY P. HALL, Ohio

JAMES H. QUILLEN, Tennessee
DELBERT L. LATTA, Ohio
TRENT LOTT, Mississippi
GENE TAYLOR, Missouri
JOHN J. RHODES, Arizona

A. A. Sayers, Jr., *Staff Director*
William D. Crosby, Jr., *Minority Counsel*

Subcommittee on the Legislative Process

GILLIS W. LONG, Louisiana, *Chairman*

SHIRLEY CHISHOLM, New York
LEO C. ZEFERETTI, New York
BUTLER DERRICK, South Carolina

TRENT LOTT, Mississippi
GENE TAYLOR, Missouri

Subcommittee Staff and Staff Representatives

Patti Birge Tyson, *Counsel*
Catharine H. Kaufman
Mary Anna Robinson
Carol M. Sherwood
Winifred Watts
Margaret O'Kane, *Conference Board Congressional Assistant*

Donald R. Wolfensberger, *Minority Counsel*
Warren J. Geurin

CONTENTS

Page

Introduction 1
Acknowledgements 5
Sunset Revisited: A Report of the National Conference of State Legislatures 6
Sunset Legislation: An Annotated Bibliography 17

Sunset Statutes:

- Alabama: Alabama Sunset Law of 1976 35
- Alaska: Termination, Continuation and Reestablishment of Regulatory Boards 47
- Arizona: Legislative Review of Agencies 57

- Arkansas:

  - Arkansas Joint Performance Review Committee 97
  - Review and Evaluation of State Agencies 101
- Colorado: General Assembly Review of Regulatory Agencies for Termination 139
- Connecticut: Connecticut Sunset Law 149
- Delaware: Delaware Sunset Act 161
- Florida: Regulatory Reform Act of 1976 175
- Georgia: Review, Continuation, Reestablishment or Termination of Regulatory Agencies 191
- Hawaii: Hawaii Regulatory Licensing Reform Act 201
- Illinois: Regulatory Agency Sunset Act 207
- Indiana: Termination and Evaluation of Certain Agencies and Agency Programs 219
- Kansas: Kansas Sunset Law 243

- Louisiana:

  - Termination of Agencies 253
  - Termination and Re-creation of Statutory Entities 257

- Maine:

  - Maine Sunset Act 273
  - Justification of State Government Programs 285
- Maryland: Regulatory Programs Evaluation Act of 1978 295
- Mississippi: Government Units Phasing Out Operations 303
- Montana: Legislative Review 317
- Nebraska: Termination of Agencies, Boards and Commissions 325
- Nevada: Legislative Review of Public Agencies 333
- New Hampshire: Joint Legislative Committee on Review of Agencies and Programs 339
- New Mexico: New Mexico Sunset Law 355
- North Carolina: Periodic Review of Certain State Agencies 363
- Oklahoma: Sunset Law 381
- Oregon: Determination of Public Need for Certain State Agencies 395
- Rhode Island: Legislative Oversight Commission 401
- South Carolina: Reorganization Commission 417
- South Dakota: Termination and Legislative Review of Administrative Rules 425
- Tennessee: Governmental Entity Review 431
- Texas: Texas Sunset Act 447
- Utah: Sunset Act 457
- Vermont: Review of Licensing Statutes, Boards and Commissions 463
- Virginia: Legislative Program Review and Evaluation Act 471
- Washington: Washington Sunset Act of 1977 479
- West Virginia: West Virginia Sunset Law 521
- Wyoming: Sunset Law 531

INTRODUCTION

As part of our continuing exploration of proposals to increase the effectiveness of congressional oversight, the Subcommittee on the Legislative Process has, in the past year, compiled and reviewed "sunset" legislation from 35 states that currently have such statutes on their books.

With the aid of the Congressional Research Service, the Subcommittee staff has assembled these statutes in one volume.

Since 1976, when Colorado became the first state to enact such legislation, "sunset" has worked itself firmly into the language and usually means a provision to end a program or agency by a target date unless it is renewed by legislative action.

An important part of sunset is the review that must accompany any weighing of whether or not to dispense with a program or agency or to change the entities being reviewed in some substantive way.

The goals of this program review are to 1) make sure that the taxpayers' money is not being wasted on ineffective or inefficient programs; and 2) make certain that the purpose of the program or the mandate of the legislative body is being adhered to.

Stated so broadly, the intent of sunset-type legislation on both the state and federal level is the same. Essentially, it is to improve government by eliminating waste, making changes in programs if changes are warranted, or eliminating programs or agencies altogether if this is in the taxpayers' best interest.

The drive for more effectual yet streamlined government that inspired so many of the states to adopt sunset legislation has also moved Congress to consider similar proposals within the past several years. In the 94th Congress, when the sunset concept made its debut, more than 70 such bills were introduced, indicating the wide appeal and popularity of this new approach to limiting bureaucratic growth.[1]

To date, only one sunset bill has been brought to the Floor of either House for a vote. In the 95th Congress, the Senate passed S. 2, which had been introduced by Senators Edmund S. Muskie, William Roth, and John Glenn. It contained automatic termination features and a ten-year review schedule. It was voted upon too late in the session to allow time for House action.

Every Congress since the 94th, however, has conducted hearings on sunset-related measures.

In the 96th Congress, a new subcommittee, the Subcommittee on the Legislative Process, was established within the Rules Committee and assigned jurisdiction over various oversight proposals, including sunset. The Subcommittee commenced its work with a series of extensive hearings.

---

[1] These proposals were dubbed "sunset" after the Colorado prototype, the nation's first Sunset Law. The phrase "sunset law," as recounted in "Safire's Political Dictionary" (William Safire, Ballantine Books, New York, 1980), was coined by a member of the Board of Directors of Colorado Common Cause at a May, 1975, meeting.

In this first session of the 97th Congress, the Subcommittee has held several hearings on various proposals to improve congressional oversight, including H.R. 2, the Sunset Act of 1981, introduced by Representative James J. Blanchard, and H.R. 58, the Sunset Review Act of 1981, introduced by Representatives Butler Derrick and Gillis W. Long.[2]

Compared to the relatively quick initial acceptance of sunset on the state level, the proposals before Congress have been subjected to intense scrutiny.

There are several reasons for this more deliberative course of congressional examination of sunset. Not unnaturally, they are grounded in the different ways government is conducted within state and federal legislative and constitutional parameters.

State governments are not simply the federal government drawn on a smaller scale. Although all 50 states have bicameral legislatures (with the exception of Nebraska) and an elected executive official, the inherent differences in legislative process, scope, and implementing mechanisms make it impractical, if not impossible, to transfer the sunset idea directly from a state body to the federal one without making some adjustments to compensate for the incompatabilities.

A Congressional Research Service study describes the relationship that exists between state and federal approaches to sunset:

> The precise evolution of sunset proposals at the Federal level reflects the influences of the legislative process in the Congress and the structure of political institutions at the Federal level more than it reflects any particular State law. In other words, the Federal sunset bills do not represent direct adaptations of any State sunset law; rather they constitute simultaneous and somewhat independent developments.[3]

In most of the states, sunset laws focus on agencies, commissions, and licensing boards, a fact that is partly due to differences in the state and federal budget procedures.

On the federal level, most programs are appraised annually through the appropriations process and periodically through the authorization process. In the course of considering authorizations and appropriations, Congress holds hearings, conducts investigations, solicits agency views, and utilizes an oversight and investigative infrastructure that includes committee staff and congressional support agencies such as the General Accounting Office, the Congressional Research Service of the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office.

The combination of authorization and appropriations represents a complex, institutionalized control over the life of programs that is usually absent in the states, where citizen legislators meeting once every two years has been a not uncommon arrangement.

---

[2] H.R. 2 would bar spending funds for programs and eliminate tax expenditures unless these are reviewed and re-authorized at least once in a ten-year period. Certain programs, such as social security, veterans benefits, and civil rights programs would be exempt from the re-authorization requirement. H.R. 58 would not automatically terminate programs or tax expenditures; neither would it exempt any from review. Termination would have to be voted upon by the Congress. Both bills would establish a schedule for oversight, and an inventory of federal programs.

[3] Virginia A. McMurtry, *Relationship Between State and Federal Sunset Legislation*, Congressional Research Service, Library of Congress, Washington, D.C. 1979.

The problem of a lack of systematic control over government entities was addressed by the Colorado General Assembly when it enacted the first sunset law in 1976. The legislation limited the life of boards and commissions to six years unless public need for an agency could be demonstrated. As the Assembly stated:

> The General Assembly finds that state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations and that the whole process developed without sufficient legislative oversight, regulatory accountability, or a system of checks and balances. The General Assembly further finds that by establishing a system for the termination, continuation, or re-establishment of such agencies, it will be in a better position to evaluate the need for the continued existence of existing and future regulatory bodies.[4]

Colorado's prototype legislation, featuring the action-forcing mechanism of automatic termination, was replicated in some form in more than 30 states between 1976 and 1981. This was part of a general movement of state legislatures to fashion themselves into bodies better equipped to deal with increasingly complex problems, the most pressing being heightened budgetary constraints due to inflation.

In addition to adopting sunset laws to help guard against wasteful spending, many states took other steps within the last decade to improve their capacities to govern. Common approaches consisted of increasing legislative salaries, adopting annual sessions, enlarging legislative staffs, and modifying committee structures. All these measures, according to Bruce Adams of Common Cause, who has detailed the background of the sunset movement, led to increased legislative program evaluation.[5]

This would indicate that the state sunset laws, in conjunction with other positive steps taken by state legislatures, have fulfilled at least some of their sponsors' hopes.

The overall goal of state sunset legislation remains open to thoughtful analysis. Frank H. Bailey, Executive Director of the Council of State Governments, poses this question: "Is termination a goal of sunset or a tool to stimulate program evaluation by an established timetable?"[6]

This is a key question and continues to be debated on both the state and federal level. The design of sunset or sunset-related laws will vary, depending on how the question is answered.

It is not our purpose in this preface to attempt to answer the question of whether the ultimate aim of sunset law is better oversight or program termination. On the federal level, that question has most recently been addressed—and answered as each sponsor feels is best—by the sunset and oversight related bills that have been introduced in the 97th Congress. On the state level, the issue is still in flux, as demonstrated by the amendments many states continue to add to their original sunset legislation.

---

[4] H.B. 1088, 50th Colorado General Assembly, 2d Reg. Sess. (1976) at §1.

[5] Adams, Bruce, "Sunset: A Proposal for Accountable Government," reprinted from Administrative Law Review, Summer, 1976, Vol. 23, Number 3, American Bar Association, in "Making Government Work: A Common Cause Report on State Sunset Activity," Common Cause, 1978.

[6] Forward, "Sunset: Expectation and Experience," Doug Roederer and Patsy Palmer, The Council of State Governments, Lexington, Ky., 1981.

The proliferating use of sunset legislation by the states indicates that sunset is an important phenomenon in governmental procedures. It is hoped that this compilation of state sunset statutes will be a useful reference work in the area of sunset law.

Gillis W. Long, *Chairman.*

ACKNOWLEDGEMENTS

The Subcommittee on the Legislative Process is concerned with sunset and oversight measures applicable on the federal level. The rationale behind the Subcommittee's presentation of state sunset statutes—besides being a response to many requests to bring out such a volume—is the recognition that sunset had its origin in the states. The concept of sunset cannot be evaluated in relation to what is possible on the federal level without some knowledge of how sunset is designed to work in the states.

In the summer of 1981, Mary Anna Robinson, staff assistant of the Subcommittee on the Legislative Process, conducted, at the direction of Chairman Long, a brief survey, by telephone and letter, of states which had enacted some version of sunset legislation. The purpose was to discover how well sunset was actually working, after it had been in place for a few years in several states.

Sources contacted included legislative committee staff directors, officials of legislative budget boards and fiscal affairs divisions, legislative audit and review commissions, performance audit managers, and other officials charged with carrying out the mandates of state sunset laws.

Ms. Robinson's findings on the pros and cons of various sunset measures tally with those of the National Conference of State Legislatures. For informational purposes, and to place the statutes in context, the report on state sunset laws produced by the National Conference of State Legislatures, setting forth briefly the evolution and present status of sunset legislation in the states, is included in this volume.

To enhance the usefulness of this compilation of statutes, an annotated bibliography of the literature on sunset legislation, compiled by the Congressional Research Service of the Library of Congress, is included.

The Subcommittee wishes to thank the National Conference of State Legislatures for permission to include their work. Special thanks for their contributions are also extended to Sherry B. Shapiro, Library Services Division of CRS, Rita Reimer, American Law Division of CRS, and Ben Byrd of the Government Printing Office.

STATE LEGISLATIVE REPORT

An Information Service of the National Conference of State Legislatures — Earl S. Mackey, Executive Director

For further information: Vincent P. Brown, 1125 17th Street, Suite 1500, Denver, Colo. 80202

SUNSET REVISITED

I. INTRODUCTION

When Colorado passed the first sunset law in 1976, it was heralded as a positive step for the legislative branch of government. State after state followed suit and as of 1980, 34 states have instituted some form of sunset law.

Common Cause supported and lobbied for sunset legislation that adhered to the basic tenets it had developed and postulated. The press praised legislative bodies that enacted sunset laws. Legislators espoused the principles of legislative oversight and congratulated themselves after the passage of sunset legislation.

But now, four years later, the initial excitement has dissipated and the actual day-to-day grind has begun. Rendering operable the simple concept of sunset has proven to be complex and time consuming. The question remains: can sunset work?

The ascent of sunset was a direct reaction to external and internal pressures. Externally, public opinion polls reflect a national mood of disillusionment, distrust and discontent with government. Internally, legislators have become increasingly frustrated by their seeming inability to get a handle on government.

Oversight is one area where the executive and legislative branches have disagreed about decision making power. Sunset has surfaced as a legislative management tool as the Wisconsin Legislative Reference Bureau notes:

> Sunset is designed to help the legislature increase its stature as a coequal branch of government through a reassertion of the generally neglected oversight function.

The essence of sunset is to force evaluation of an agency or statute by establishing a specific date for termination of the program in question. Improvement and modification--not termination--are the chief goals of sunset. A report by the Texas Advisory Commission sums up sunset:

> The acceptance of this concept (sunset) has been aided by a general agreement that unless legislative bodies are forced to act, no systematic review will be directed toward the efficiency and effectiveness with which governmental programs are carried out. The sunset process is, then, an attempt to institutionalize change and to provide a process by which this can be accomplished on a regular systematic basis.

It was hoped that enactment of sunset legislation would provide the legislature with a structure to strengthen oversight. However, the question of measuring the effectiveness of sunset remains an enigma.

This short article describes the sunset experiences of the Colorado and Florida legislatures. The conclusion attempts to reflect the general feeling of other states that have sunset laws.

II. THE COLORADO EXPERIENCE

Colorado became the first state to enact a sunset law (HB 1088 of 1976). The law provides for the evaluation and possible termination of 39 regulatory boards and commissions under the umbrella of Colorado's Department of Regulatory Agencies. Subsequent amendments to the original law provided that all licenses would expire if an agency was terminated (SB 6 of 1977), and required that performance audits be completed a year before termination (SB 34 of 1978).

The State Auditor was assigned the task of conducting the performance audits, based on the criteria established in the sunset law. Audit teams interviewed board members and employees, made on-site visits and mailed questionnaires to licensees and users of the service. The first audits were released in early April of 1977, with specific recommendations for improving operations. In addition to these performance audits, the Department of Regulatory Agencies (DORA) prepared evaluations using interns from the University of Colorado's School of Public Affairs, but subject to approval by the Executive Director of DORA. DORA used these reports to determine if the agencies in question should be recommended for continuation. These reports were also to be used by the Legislature to supplement the State Auditor's reports.

After hearings by standing committees, recommendations to eliminate three agencies were approved in the final hectic days of the 1977 session. The Board of Shorthand Reporters, Board of Professional Sanitarians, and the State Athletic Commission were terminated. Also, five agencies were modified during the session, and final consideration of five other agencies was postponed until the next session. These agencies were eventually modified and reenacted.

The second cycle primarily concentrated on 12 health-related boards and was marked by two procedural changes. First the State Auditor's evaluation reports made several alternative recommendations. Also, bills to reenact agencies could be introduced in either house instead of just the Senate. In addition, DORA would produce its own reports instead of having graduate students prepare them.

Nine agencies were modified and reenacted during the 1978 cycle. The Nursing Board, Practical Nurses Commission and Commission on Women were discontinued. These three agencies are in their one-year windup period. During the 1980 legislative session the Nursing Board and the Practical Nurses Commission were continued by the Legislature. However, legislation recreating the Women's Commission was vetoed by Governor Richard Lamm.

According to Representative Gerald Kopel, one of the state's first sunset proponents, the process generally achieved the goals perceived by the law. In a memo to the Legislature the State Auditor also cited several major legislative accomplishments:

1. Deregulation of commercial vehicles transporting certain goods.
2. The membership of most regulatory boards has been revised to provide public representation.
3. The governing statutes of most regulatory boards have been reorganized and written to clarify powers and duties, provide more consumer protection and eliminate obsolete sections.
4. Organizational changes have centralized within DORA certain support type functions such as accounting, budgeting, investigations and changes in license issue procedures.
5. Licensing requirements have all been examined and in some cases repealed or reversed.

Although it appears as if a majority of the Legislature sees the process as providing sufficient positive benefits, unsuccessful attempts have been made to kill the process but none have succeeded thus far, according to Representative Kopel. Sunset has increased member awareness of legislative oversight, while providing a tool to review specific regulatory entities in depth and, indeed, question the need for regulation at all.

There are, however, problems associated with the sunset process in Colorado. Time is a major concern. Considerable legislative time and effort was allocated for hearings, standing committee meetings and negotiating final agreements. Some legislators still feel that too much time has been spent reviewing relatively obscure agencies. Even with the time allocated, some reviews have required further interim study, thus delaying the whole process. The time requirement may create problems in the future if more extensive and complex programs are subject to sunset review.

The State Auditor estimated that $443,478 was spent to conduct 26 sunset reviews which comes to approximately $17,000 per review, not including the cost to DORA for their reviews. The cost to conduct ~~the~~ next cycle is estimated at $150,000.

The boards terminated thus far have had little impact on the budget. The State Auditor indicates that:

> If the criteria to determine if sunset is cost beneficial is the elimination of regulatory boards with their associated expenditures, compared to the cost of the reviews, then it is definitely not cost beneficial to continue the reviews.

Some members of the Legislature question spending this money for benefits that cannot be measured.

Colorado lawmakers and staff also cited as problems the lack of public participation, the length and complexity of the performance audits and DORA reviews, and the perfunctory manner of some hearings.

Despite these concerns, the state's sunset law will not likely be repealed; the goal is to improve and modify agencies, not terminate them. In addition, cost benefit ratios may not be an appropriate measure of effectiveness.

The Legislature's appetite to perform oversight has been enhanced, and a broad base of support exists. The law was expanded in 1979 to include more agencies for sunset review, and the Legislature has attempted to strengthen the internal procedural aspects of the process. With more experience and a strong base of support, it appears as if the Colorado sunset process will improve and continue.

III. THE FLORIDA SUNSET EXPERIENCE

Florida became the second state to enact a sunset law when it passed the Regulatory Reform Act of 1976 (Chapter 76 - 168 Laws of Florida). Subsequent amendments (Chapter 77 - 457 Florida Laws) reduced an overly ambitious termination schedule and required that evaluation work begin two years before the repeal date. In Florida statutes were subject to termination. The required reviews during the first two cycles were divided evenly between the House and Senate Governmental Operations Committees.

Each House reviewed six regulatory statutes during the first cycle. The House Governmental Operations Committee created a subcommittee to evaluate the agencies. It gathered information using questionnaires, field visits and reviewing relevant documents. No formal written evaluation reports were issued; instead, various modification schemes were presented. The full committee recommended terminating three statutes and modifying the remaining three.

The Senate Governmental Operations Committee differed from its House counterpart by developing formal written reports complete with recommendations. The goals were the same but the end products were different. The full committee recommended the termination of two statutes and modification of the remaining four.

Ultimately in the first review cycle the Legislature terminated regulatory statutes relating to shorthand reporters, yacht and shipbrokers, sanitarians and watchmakers. The Legislature reenacted eight statutes with modifications, increasing the control of the State Department of Professional Occupational Regulation (DPOR) over the independent regulatory boards. The modifications also made it mandatory to include lay members on the boards.

Due to the time required in the first cycle the House created a Regulatory Reform Committee to oversee the sunset evaluations. Both houses of the Florida Legislature essentially emulated the methodology utilized during the first cycle. The process appeared to be on course during early March of 1979. Sparked by the sunset reviews of regulatory statutes, however, the respective review committees of each house began questioning the utility of the DPOR. The sunset process was delayed until the DPOR reorganization issue was resolved.

The issue was resolved in early May, but with a June 1 adjournment date the sunset review process was pressed for time. At the last minute the full Legislature reenacted 24 statutes. However, Governor Robert Graham vetoed bills reenacting the Forestry Practice Act and the Electronic Repair Act. Also, the Senate failed to approve a House bill reenacting the Psychological Practice Act, effectively sunsetting this board.

The first two cycles of the Florida sunset process reaped positive benefits. According to Representative George Sheldon sunset forced the Legislature to evaluate what had been done in the past and act by terminating unnecessary agencies and modifying many other boards. Although changing the DPOR was not specified in the sunset law, the process served as a catalyst for its reorganization.

Like Colorado, the quantity of time spent on the process poses a major problem. A staff report issued by the Governmental Operations Committee stated that:

> The amount of time required to conduct a thorough review of a regulatory agency sharply reduces the time which is available for a committee staff to devote to other areas of responsibility.

Another problem related to cost. The original legislation provided no new funding for additional staff placing the review burden upon existing personnel. The Governmental Operations staff estimates that it cost approximately $120,000 to conduct the 1979 evaluations. Legislators and aides agree that the cost of reviews are high while benefits to the public are difficult to measure.

A final major problem concerns the end product of the reviews. Were the formal written reviews done by the Senate more useful than the final recommendations of the House? According to legislative members, the formal written reviews may have provided too much information while the House recommendations provided too little. When the recommendations were exchanged between the houses communication and information problems occurred. This inhibited the final stages of the evaluation process. This problem may be remedied since both houses will conduct all reviews in the future, eliminating some problems associated with final legislative action.

Legislators and staff agree that the results of sunset are mixed. However, the future of sunset in Florida appears stable right now. Bills have been introduced in both houses to increase the time allotted for the review cycle. Also, the evaluation work load will be spread between two committees in the House and among seven in the Senate. The experience gained will also improve the process.

This year major statutes concerning public utilities, banks and trucking deregulation are scheduled for review. These evaluations will require a significant effort and a major time commitment.

IV. CONCLUSION

The Florida and Colorado sunset experiences have demonstrated that success is possible. However, there are few quantitative mechanisms to measure its effectiveness. Various factions in Florida and Colorado disagree about the results of the first two sunset cycles, and, although they are obviously subjective views of the success and/or effectiveness of sunset, they must be considered. The positive aspects appear to outweigh the negative ones in both states; of those regulatory statutes and agencies reviewed and evaluated, all were either modified or improved. And legislators became more aware of legislative oversight.

Many other states have found that it is easier to enact the law than implement it. Legislators and staff members in Alabama, Arizona, Arkansas, Louisiana, South Carolina, Georgia, Utah, South Dakota, Wyoming, New Mexico, Nebraska, Maryland and Rhode Island all report problems in implementation. The major concerns relate to the time and money required to conduct the reviews effectively.

Some states have expressed more positive feelings concerning sunset. Texas, Tennessee, Indiana and Maine are pleased with their sunset laws and the process thus far.

Reports from legislative staff and lawmakers indicate that sunset is alive but not necessarily well in all states. There are many pros and cons surrounding the sunset process. On the positive side sunset:

1. compels the legislature to evaluate and exercise its oversight responsibilities;
2. forces the legislature to take affirmative action to recreate an agency facing termination;
3. institutionalizes the evaluation process;
4. increases the opportunity for agency improvement and modification emphasizing effectiveness and efficiency, not termination; and
5. creates an incentive for agencies to implement corrective administrative changes on their own.

On the negative side:

1. a significant amount of time must be committed by the legislature to conduct the sunset reviews;
2. time spent on sunset detracts from time spent on other legislative responsibilities;
3. the cost to conduct effective reviews is considerable and may not result in a comparable savings in taxpayer monies;
4. currently there is no quantitative measurement to judge the effectiveness of the final results; and
5. some states have linked agency extension bills to approval of unrelated legislation.

Sunset laws require legislatures to invest time, effort and sometimes scarce staff and fiscal resources. A substantial investment in sunset inevitably detracts from other legislative responsibilities; most legislatures have few extra funds and little time to pursue an activity that reaps questionable benefits.

To date, sunset has focused on the review of watchmakers, barbers, cosmetologists and other minor regulatory entities; and the process may not be transferable to, or successful in other broader areas of government.

Legislators and staff think it is unrealistic to believe that a termination deadline can force comprehensive reviews of major agencies concerning education, social services or corrections. These agencies cannot be terminated. Even major regulatory agencies like banking, insurance and public utilities will not likely be terminated. These agencies are very complex and necessary for the good of the state. However, program evaluation may be able to provide effective review and evaluation in these major agencies. Program evaluation may be able to address the larger issues that sunset cannot.

It appears that pure sunset can work in some areas but maybe not in the major areas. The question is of commitment: Does a legislature want to commit scarce time, effort and resources to this relatively limited area of review?

Today, some atrophy has begun to permeate many states' sunset laws. It may have been unrealistic to assume that major agencies would be evaluated under sunset and significant tax dollars saved. Sunset may be best suited to review esoteric entities. It can be effective in this area but the cost is high. Many legislatures cannot afford the time to review these entities. Sunset appears to be losing some of its appeal like budgeting mechanisms such as zero-base budgeting and planned program budgeting systems. However, sunset has increased the awareness of legislators concerning their oversight responsibilities and capabilities. The termination schedule has forged a link between the legislative decision making and budgeting processes and program evaluation.

Sunset has also brought program evaluation into clearer focus for the legislature. Many states are beginning to create legislative program evaluation units to facilitate program evaluation. The integration of program evaluation into the political decision-making process and the budget-making process may be able to address some of the problems sunset cannot. Although program evaluation is still a young art it does have possibilities.

In conclusion, laws and new concepts do not make oversight work; individual legislators do. Only a firm commitment to pursue oversight will reap any significant benefits.

ADDENDUM TO
SUMMARY OF SUNSET LEGISLATION - 1980

STATE	AGENCIES, OFFICES, ETC. TERMINATED AND DATE	AGENCIES, OFFICES, ETC. FUNCTIONS SHIFTED	COST SAVINGS
Arkansas	1980: None. (79 agencies scheduled for review in 1981.)	1980: None.	1980: None.
	1979: 15 agencies terminated, effective date, July 1, 1980. 1) Stonewall Jackson Memorial Commission, 2) State Economic Development Commission, 3) Mineral Resources Commission, 4) Civil War Centennial Commission, 5) Vicksburg Confederate Memorial Commission, 6) Battlefield-Bicentennial Commission, 7) Professional Malpractice Insurance Commission, 8) Division of Utilities and Transportation, 9) Judicial Reapportionment, 10) Division of Employment Development, 11) Tax Revision Commission, 12) State Capitol Grounds Commission, 13) Governor's Mansion Advisory Council, 14) Drug Abuse Authority and Advisory Council, abd, 15) White River Navigation District Commission.	1979: Mineral Resources Commission, Division of Utilities and Transportation, Division of Employment Development, Drug Abuse Authority and Advisory Council, and the White River Navigation District Commission.	1979: No savings indicated by staff.
Colorado	1979: 1 agency terminated, effective date, July 1, 1979--Commission on Women.	1979: Two agencies combined, effective July 1, 1979--Board of Nursing and Board of Practical Nursing.	1979: No savings indicated by staff
	1977: 3 agencies terminated, effective date July 1, 1977--1) Colorado State Athletic Commission, 2) Board of Professional Sanitarians, and 3) Board of Shorthand Reporters.	1977: Functions of the Board of Shorthand Reporters were partially shifted.	1979: No savings indicated by staff
Florida	1980: 2 chapters terminated, effective date, July 1, 1980--1) Private Employment Agencies and 2) Trucking (Motor Carriers).	1980: Trucking (motor carriers).	1980: No savings indicated by staff
	1979: 3 chapters terminated, effective date July 1, 1979--1) Psychologists, 2) Foresters and 3) Electronic Repair.	1979: None.	1979: No savings indicated by staff
	1978: 4 chapters terminated, effective date July 1, 1980--1) Sanitarians, 2) Yacht & Ship Brokers 3) Shorthand Reporters, and 4) unknown by staff.	1978: None.	1978: No savings indicated by staff

STATE	AGENCIES, OFFICES, ETC. TERMINATED AND DATE	AGENCIES, OFFICES, ETC. FUNCTIONS SHIFTED	COST SAVINGS
Kansas	1980: 1 agency terminated, effective date July 1, 1980--Council of Advisors on Consumer Credit. 1979: 2 agencies terminated, effective date July 1, 1979--1) Mobile Home and Recreational Vehicle Commission, and 2) Athletic Commission.	1980: None. 1979: Partial shift of functions of Athletic Commission. Two agencies combined into new board: Board of Psychologists and Board of Social Workers.	1980: Approximately $2000. 1979: Approximately $100,000, for terminated agencies.
Montana	1980: None. 1979: 4 agencies terminated, effective dates unknown--1) Board of Abstractors, 2) Board of Warm Air Heating, 3) Board of Institutions, and 4) Board of Real Estate.	1980: None. 1979: Board of Real Estate.	1980: None. 1979: No savings indicated by staff
Nebraska	1980: 1 agency terminated, effective date July 1, 1980--Commission on Firefighting, Personnel Standards and Education. 1979: 1 agency terminated, effective date unknown--State Office of Planning and Programming.	1980: Yes. 1979: Yes.	1980: Less than $1000. 1979: No savings indicated by staff
New Mexico	1980: None. 1978: 5 agencies terminated, effective date July 1, 1978--1) Dry Cleaning Board, 2) Polygraphy Board, 3) Employment Agency Board, 4) Massage Board, and 5) Hearing Aid Dealers and Fitters Board.	1980: None. 1978: Polygraphy Board and Hearing Aid Dealers and Fitters Board.	1980: None. 1978: No significant savings indicated.
North Carolina	1980: None. 1979: 5 agencies terminated, effective date June 1, 1979--1) Board of Watch Making, 2) Board of Water Well Contractors, 3) Board of Tile Contractors, 4) Mining Registration Status, and 5) Private Detective Board.	1980: None. 1979: Private Detective Board.	1980: None. 1979: No savings indicated by staff

STATE	AGENCIES, OFFICES, ETC. TERMINATION AND DATE	AGENCIES, OFFICES, ETC. FUNCTIONS SHIFTED	COST SAVINGS
Oklahoma	1980: 5 agencies terminated, effective date July 1, 1980--1) Board of Architects, 2) Board of Surplus Facilities, 3) Carl Albert Memorial Commission, 4) Bartlesville Energy & Research Commission and 5) Crime Commission.	1980: Crime Commission.	1980: Negligible savings indicated.
	1979: 4 agencies terminated, effective date June 1, 1980--1) J. Thorpe Memorial Commission, 2) Oklahoma Historical Day Commission, 3) Special Armory Construction Board and 4) Awards & Decorations Board.	1979: None.	1979: No savings indicated by staff.
	1978: 9 agencies terminated, effective date June 1, 1978--1) Wage & Hour Commission, 2) Oklahoma Energy Resource Planning Commission, 3) Water Conservation Storage Commission, 4) Eastern Trails Museum Commission, 5) Pawnee Indians Veterans Historical Commission, 6) Occupational Health & Safety Standards Commission, 7) Oklahoma Unclaimed Property Board, 8) Advisory Council to the Department of Labor, and 9) Board of Health & Safety Compliance.	1978: None.	1978: No savings indicated.
Oregon	1980: As of this writing, Review Committee still meeting.	1980: None to date.	1980: None to date.
	1979: 3 agencies terminated, effective date July 1, 1980--1) Board of Watchmakers, 2) Board of Auctioneers, and 3) Board of Landscape Contractors.	1979: None.	1979: No savings indicated.
South Dakota	1980: None.	1980: None.	1980: None.
	1979: 4 agencies terminated, effective date June 1, 1979--1) Board of Massage Examiners, 2) Board of Psychologists Examiners, 3) Board of Basic Science Examiners, and 4) Board of Registered Sanitarians.	1979: None.	1979: No savings indicated.

STATE	AGENCIES, OFFICES, ETC. TERMINATED AND DATE	AGENCIES, OFFICES, ETC. FUNCTIONS SHIFTED	COST SAVINGS
Texas	1980: As of this writing, review in progress. 1979: 9 agencies terminated, effective date August 31, 1980. 1) Pink Bollworm Commission, 2) Stonewall Jackson Memorial Board, 3) Texas Navy Inc., 4) Battleship *Texas* Commission, 5) Pesticide Advisory Commission, 6) Office of Vehicle Equipment Safety Compact Commission, 7) Board of County & District Road Indebtedness, 8) Texas Private Employment Agency Regulatory Board, and 9) Board of Manager of Texas State Railroad.	1980: None. 1979: Board of Architectural Examiners and Texas State Board of Landscape Architects combined, effective September 1, 1979. Also, State Board of Regisration of Public Surveyors and Board of Examiners of State Land Surveyors combined, effective June 13, 1979.	1980: None. 1979: $7.1 million savings from mergers and modifications of combined boards.
Utah	1980: None. 1979: 2 statutes terminated, effective date June 30, 1979--1) License & testing of wholesale & retail dealers in prophylactics & testing of prophylactics and 2) Requiring health professionals to pass basic science examination.	1980: None. 1979: None.	1980: None. 1979: No savings indicated.
Washington	1980: 1 statute terminated, effective date June 1, 1980--Basic Science Law. 1979: 3 agencies terminated, effective June 30, 1979--1) Water well Construction Operators Examining Board, 2) Escrow Commission, and 3) Driving Instructors Examining Board.	1980: None. 1979: Driving Instructors Examining Board.	1980: No savings indicated. 1979: From termination of Water well Construction Bd., app. $55,000 per year; from termination of the Escrow Comm., approx. $32,000/yr & from termination of Driving Inst. Bd., approx. $35,000/yr.

Congressional Research Service
The Library of Congress

Washington, D.C. 20540

SUNSET LEGISLATION: A SELECTIVE BIBLIOGRAPHY

Foreword

This bibliography is a compilation of materials on the subject of sunset legislation from 1976 to the present. It focuses on state sunset legislation and includes a variety of state government publications. However, this work does not represent a comprehensive collection of state government reports on sunset legislation. For perspective and comparison, the bibliography includes a section on general and Federal materials. Congressional publications are included separately.

Most of the citations are annotated and have been chosen from the computerized bibliographic data base created and maintained by the Library Services Division of the Congressional Research Service. A number of citations were selected from the card catalog and the computerized catalog to the collections of the Library of Congress. The Public Affairs Information Service index was also consulted to assure a broad coverage of the subject area.

Call numbers are provided for citations to items in the collections of the Library of Congress. Those items located in the Law Library are designated "Law" and items found in the Newspaper and Current Periodicals collection are designated "Newsp." All journal articles are provided with the call number of the bound volumes of the journal regardless of whether the issues cited were bound at the time of writing.

The author would like to thank Virginia McMurtry, Analyst in American National Government, Government Division, and Shirley Loo, Specialist in Information Control and Automated Systems and Richard Gigax, Assistant Section Head of the Subject Specialization Section, both of the Library Services Division, for their review of this work and their comments. Special thanks for her invaluable editorial assistance are extended to Susan E. Crosby. The author would also like to thank John White and Lee Burwasser for their assistance in the secretarial production of this bibliography.

Sherry B. Shapiro
Government and Law Bibliographer
Library Services Division
December 16, 1981

CONTENTS

State Sunset Legislation.. 1
General and Federal Sunset Legislation: Articles and Books.............. 7
General and Federal Sunset Legislation: Congressional Publications...... 14

SUNSET LEGISLATION: A SELECTIVE BIBLIOGRAPHY

STATE SUNSET LEGISLATION

Adams, Bruce. Guidelines for sunset. State government, v. 49, summer 1976: 139. JK2403.S7, v. 49

The state issues coordinator for Common Cause outlines ten principles set forth by Common Cause for the development of sunset laws.

Alaska. Legislature. House of Representatives. Committee on Commerce. Interim report, sunset in Alaska, 1979-1980. Juneau, 1980. 233 p. KFA1211.82.C65 1980

American Institute of Certified Public Accountants. Committee on State Legislation. Sunset handbook: a guide to the sunset review process. New York, c1978. 1 v. KF4943.Z95A47

This continuously updated loose leaf guide, which is geared to accountants' needs, contains information about state sunset laws. It includes "case histories of sunset review of accountancy boards" in several states.

Azama, Calvin. Sunset, the concept and its experience. Honolulu, Hawaii, Legislative Reference Bureau, 1978. 107 p. KFH421.5.S95A98

This work discusses the application of the sunset concept to state agencies in Hawaii and also examines the experiences of other states.

California. Legislature. Joint Budget Committee. A review of the sunset concept and possible alternatives for California: pursuant to resolution chapter 24 (SCR 3) 1977-78. Regular session. Sacramento, 1977. 1 v.

"This report is the result of SCR 3 of 1977 which directed the Legislative Analyst to review the Sunset concept to evaluate its feasibility and potential for improving the decision-making process of the California legislature."

Cannon, Joe B. Sunset and the state bar. Texas bar journal, v. 41, Oct. 1978: 807-809, 811-816, 818-821, 824-832, 834-840, 842-852, 856-864, 866-871. K24.E9, v. 41

This article considers how the Texas Sunset Act will affect the state bar of Texas. "Because the State Bar was created as an agency of the judicial department of state government by the legislature, it was eligible for inclusion in the Sunset review process." The article reprints the State Sunset Act and includes a discussion of its operation.

Colorado. Legislative Council. Committee on State Affairs. Colorado Legislative Council recommendations for 1980: Legislative Council report to the Colorado General Assembly Committee on State Affairs. [Denver, Colo.] 1979. 42, [66] p. (Colorado Legislative Council research publication no. 244) KFC1820.L4 no. 244/KFC2220

Cover title: Recommendations for 1980, Committee on State Affairs: sunset review, election laws.

Common Cause. State-by-state survey of sunset activity. Washington, 1977. 5 p.
This report is updated periodically.

Connecticut. General Assembly. Office of Legislative Research. Sunset legislation: conference report. Hartford, 1977. 7 l. (OLR selected report 77-65)
This report presents background information about the sunset concept in government, discusses how sunset has been implemented in Colorado and other states, and outlines "points to be considered in drafting a sunset bill."

Craft, Ralph. Legislative oversight in the states. GAO review, v. 14, fall 1979: 22-26. HJ9701.G3, v. 14
This article describes legislative oversight activities in the states and evaluates their impact on state politics and government.

Dawson, Ralph G. Sunset review of the State Board of Private Detectives Licensing to the Vermont General Assembly. Montpelier, Vt., Vermont Legislative Council, 1979. 100 p. HV8096.V5D38

Dunn, Richard P. Sunset, application in Utah: a report to the 43rd Legislature. Salt Lake City, Utah, Office of Legislative Research, 1978. 62 l. (Utah. Office of Legislative Research. Research report no. 26.) KFU421.5.S95D86
This report reviews the application of sunset laws in other states and offers specific recommendations for its application in Utah.

Ellyson, Robert C., and William H. Van Rensselaer. Sunset--is the profession ready for it? Journal of accountancy, v. 149, June 1980: 52-54, 56, 58-61. HF5601.J7, v. 149
This article examines the impact of sunset provisions on state boards of accounting and the accounting profession. "If the accounting profession is not alert to sunset, the present system of state licensing may suffer erosion and the profession's ability to influence its own destiny may be jeopardized."

Florida. Legislature. Senate. Governmental Operations Committee. Manual of instruction for the implementation of the Regulatory Reform Act of 1976 (Chapter 76-168). [Tallahassee] 1977. 38 p.
This report presents general information about the Regulatory Reform Act in Florida, details methods of conducting the review, and discusses the impact of this legislation on Florida regulatory agencies.

Georgia. General Assembly. House of Representatives. State Planning and Community Affairs Committee. Report of the House State Planning and Community Affairs Committee and the Senate Industry, Labor, and Tourism Committee on sunset legislation. Atlanta, General Assembly [1979] 42 p. KFJ11.82.P55 1979

Gregson, Ronald E. Sunset in Colorado: the second round. State government, v. 53, spring 1980: 58-62. JK2403.S7, v. 53
This article examines Colorado's second biennial review of regulatory agencies under that state's sunset law. It discusses the relationship between the executive and legislative branches of government in that state regarding sunset evaluation and considers the impact of the legislation. "The second round of sunset in Colorado was marked by fewer agency terminations than resulted from the first round, but statutory analyses and revisions were much more comprehensive in 1979 than in 1977."

Heath, Milton S., Jr. The North Carolina sunset law. Popular government, v. 44, winter 1979: 45-49. JK4101.P6, v. 44

Kopel, Gerald H. Sunset in the West. State government, v. 49, summer 1976: 138-158. JK2403.S7, v. 49

A Colorado State representative discusses the way sunset legislation, has contributed to legislative oversight of Colorado's regulatory agencies.

Licata, Tony. Limited lifespan for state agencies? Sunset laws. Illinois issues, v. 3, Feb. 1977: 21-23.

"Sunset laws put state regulatory agencies on the line for periodic review--and automatic extinction unless the legislature decides the agency is worth saving. Reflecting a general consensus that government should work better and cost less, the concept has the cautious approval of Illinois Gov. James R. Thompson and is already being tried in Colorado. The catch is that sunset reform could create more red tape and new political trade-offs."

Lunch, Milton F. Getting ready for sunset. Professional engineer, v. 49, Mar. 1979: 34-35. TA1.A277, v. 49

The author discusses the sunset concept which, in some instances, calls for the automatic termination of "the engineering registration board, along with other occupational and professional licensing boards." He considers the implications of these potential terminations on professional engineers.

Maine. Legislature. Joint Standing Committee on Audit and Program Review. A report of the Joint Standing Committee on Audit and Program Review: sunset reviews of group A-1 departments and independent agencies. Augusta, Me. [1979] 53, 54 p. KFM11.62.A8 1979

March, Michael S. Sunset review in Colorado: lessons from the first round. National civic review, v. 67, Mar. 1978: 130-135. JS39.N3, v. 67

"Colorado is the acknowledged leader in the Sunset review movement. The review process focuses on the basic authorization statutes and total functioning of an agency. It has been largely a legislative show, but it needs executive input. The state has terminated 39 regulator boards and agencies in a pilot program limited to one department. The University of Colorado has provided analytic assistance."

----- Sunset review, the Colorado program: statutes, organization, methodology, evaluation criteria, and results; final project report. Boulder, University of Colorado, Bureau of Governmental Research and Services, 1977. 113 p.

This report summarizes "the highlights of the Colorado Sunset effort from the enactment of the Law through approximately the first year and a half of the pilot program (through November 15, 1977). Among the topics discussed are a summary of the program, the history of its development, the evaluation criteria, the research methodology used in Colorado, the results of the Colorado experiment to date, and observations on possible improvements in the Sunset process based both on the experience so far in Colorado and an awareness of efforts in other states."

Margolis, Edwin, Richard Hurley, and William Berry. Sunset laws; a critical analysis & a new approach. Albany, N.Y., Temporary State Commission on Management and Productivity in the Public Sector, 1977. 77 l.

The authors discuss the sunset concept as it has been enacted in several states and examine specific effects on New York State government if sunset legislation were to be enacted in that state.

Martin, Donald L. Will the sun set on occupational licensing? State government, v. 53, spring 1980: 63-67. JK2403.S7, v. 53

"Prominent among government activities subject to sunset legislation are regulatory agencies and, in particular, occupational licensing boards. The purpose of this article is to discuss the probable effects of sunset laws on the fate of occupational licensing. ... [It] examines the limited experience states have had, to date, with sunset and licensing and analyzes the prospective costs and rewards legislators face in deciding whether to permit termination of occupational licensing boards."

Michigan. Legislature. House. Fiscal Agency. Legislative Program Effectiveness Unit. A sunset law in Michigan. Lansing, Mich., 1976. 22 p.

"LPER Program Memorandum no. 4"

This report addresses the following questions: what is the problem addressed by sunset, what is the role of the legislature, what should a sunset law cover, what will it take to administer sunset, what is the role of evaluation in sunset, and what are the mechanics of sunset. These questions are applied to Michigan state needs.

Minnesota. Legislature. Senate Counsel. Sunset legislation: background and issues. St. Paul, 1976. 8 p.

This report examines the experiences with sunset in other states and considers the application of this concept to Minnesota.

National Conference of State Legislatures. Sunset revisited. State legislative report, 1980: whole issue.

This newsletter issue reviews general state sunset activities, presents information on the Florida and Colorado experiences, and includes a chart on sunset activities in the states.

New York (State). Legislature. Senate. Research Service. Sunset ... it's not all rosy. Albany, 1977. 88 p.

This work discusses the New York State experience with sunset and suggests that this concept may not be the best response to the need to evaluate governmental programs. Alternative approaches are presented.

Ohio. Legislative Budget Office. Zero base budgeting and sunset laws. Columbus, Ohio, 1976. [11] p.

This report discusses the status of sunset laws in several states, reviews Federal activities in this area, and discusses legislation proposed in Ohio.

Oklahoma sunset law: planning and implementation. [Oklahoma City] 1977. [9] p.

This report outlines the steps, techniques, and procedures for program review in Oklahoma.

Peirce, Neal R., and Jerry Hagstrom. Is it time for the sun to set on some state sunset proposals? National journal, v. 9, June 18, 1977: 937-939. JK1.N28, v. 9

"Sunset legislation, which requires periodic review of government programs and agencies, has become one of the most popular ideas in state government--as well as in Congress--this year. But Common Cause, which helped push through the first bill in Colorado last year, fears that concept has become so popular that states may pass irresponsible sunset laws."

Phillips, Diana Buder. Sunset 1979. Austin, Tex., House Study Group, Texas House of Representatives, 1979. 5, [15] p. JK4838 1979.P48
Sunset report no. 8.

Price, Dan R. Sunset legislation in the United States. Baylor law review, v. 30, summer 1978: 401-462. Law
This article analyzes "the background, genesis and major concepts of Sunset legislation, presents ... the major provisions of Sunset laws, examines the results of the first Sunset review processes, and offers suggestions for better implementation of Sunset legislation. It includes a Model Sunset Evaluation Plan and a Sunset Legislation Checklist."

----- Sunset legislation in the United States. Austin, State Bar of Texas, 1977. 162 p. KF4943.Z95P73
The author analyzes state sunset legislation in the U.S., focusing on the new Texas Sunset Act.

Public administration forum--sunset laws: a passing fad or major development. Midwest review of public administration, v. 11, Mar. 1977: 61-71. JK1.M5, v. 11
This symposium, edited by James W. Drury, focuses on state experiences.
Partial contents.--Sunset in Colorado, by M. S. March.--Sunset laws viewed from Kansas, by J. W. Bibb.--Not until the sun sets on preponderant ignorance, by E. H. Kline.--Will sunset only bring darkness, by R. P. Knuth.

Reynolds, W. Jeff. Evaluating the performance of state agencies: sunset review in Tennessee. Governmental finance, v. 9, Dec. 1980: 21-24. HJ9103.M782, v. 9

Roederer, Doug, and Patsy Palmer. Sunset: expectation and experience. Lexington, Ky., Council of State Governments, 1981. 15 p.
"RM699"

Rosenthal, Alan. Legislative behavior and legislative oversight. Legislative studies quarterly, v. 6, Feb. 1981: 115-131. JF501.L42, v. 6
"This article explores contrasting approaches to the study of oversight by state legislatures. A focus on individual orientations and behavior, which has dominated such study, reveals attempts by legislators to maximize credit, achieve concrete results, and avoid making additional trouble for themselves. It indicates that little oversight is performed. By contrast, a focus on institutional activity--primarily by special commissions and committees and their staffs--indicates that substantially more oversight is performed. The apparent contradication is reconciled by taking into account institutional incentives as they influence the motivations of a minority of members. The major problem is an analytical one, in which an unwarranted 'aggregative leap' is made from the individual on the one hand to the institution on the other."

----- Legislative performance in the States. New York, Free Press, 1974. 215 p. JK2495.R67

Schick, Allen, and Robert Keith. Zero-base budgeting in the states. Lexington, Ky., Council of State Governments [1976] 28 p. JS308.C6 no. 593/HJ2053.A1

Contents.--Criteria for ZBB practices.--ZBB applications in the states.--Experiences in the ZBB states.--Experiences and intentions in non-ZBB states.--ZBB and the legislative process.--ZBB and PPB.--ZBB methods in selected states.

Report based on returns from a survey of zero-base budgeting practices in state governments undertaken by the National Association of State Budget Officers in cooperation with the Congressional Research Service.

Sherman, Betsy. Making government work: a Common Cause report on state Sunset activity. [Washington] Common Cause, 1978. 123 p. KF4943.Z9553

This report explains "the Sunset concept and reviews state Sunset action and implementation over the last three years."

The Sunset phenomenon: papers of a forum on legislative oversight, July 25, 1977. Edited by Kirk Jonas. Richmond, Va., Joint Legislative Audit and Review Commission [1978] 89 p. KFV2821.5.S95S96

Sunset, zero-base budgeting, legislative program evaluation; transcripts of conference proceedings, May 5-6, 1977. [Richmond] Joint Legislative Audit and Review Commission, 1977. 84 p. HJ2052.S9

At head of cover title: The Virginia General Assembly.

"The first Legislative Audit and Review Commission sponsored ... the conference ... held in Roanoke."

Contents.--Sunset: order out of chaos? by J. Blanchard.--Keynote address: putting it all together, by A. Schick.--Sunset: a workable approach, by B. Adams.--Is there life after sunset? by B. Shimberg. --Introducing zero-base budgeting, by G. Taylor.--Sunset and legislative evaluation, by B. Spitz.--Evaluation: can it survive sunset? by L. Adams. --Directions for legislative oversight, by R. Petntel.

Texas. Joint Advisory Committee on Government Operations. Summary of the final report to the Governor of Texas and Members of the Sixty-fifth Texas Legislature. [Austin] 1977. 74 p. JK4838 1977.T44 1977a

The Joint Advisory Committee on Government Operations was established as a means of addressing the problem of rapid growth at the state level in Texas. "The Joint Advisory Committee on Government Operations, established by Senate Bill 319 of the Sixty-fourth Legislature, was directed to: examine and evaluate the organization and methods of operation of state government; develop proposals for improving the structure of state government; recommend policies to minimize creation of new departments and agencies and to control growth of existing departments; and recommend suspension of programs that duplicate and exceed in cost those services offered by private business. The committee was instructed to report its findings and recommendations to the Sixty-fifth Legislature."

Texas. Sunset Advisory Commission. Final report to the Governor of Texas and members of the Sixty-sixth Texas Legislature. [Austin] 1978. 221 p. JK4871.T49 1978

Wisconsin. Legislative Reference Bureau. "Sunset" legislation. Madison, 1977. 34 p. (Its Research bulletin 77-RB-1) KFW2420.L4 no. 77-1/KFW2821.5

Prepared by Dick Pazen, the report examines sunset experiences in Wisconsin and several other states as well as at the Federal level.

GENERAL AND FEDERAL SUNSET LEGISLATION: ARTICLES AND BOOKS

Adams, Bruce. Sunset: a proposal for accountable government. Administrative law review, v. 28, summer 1976: 511-542. Law

Common Cause staff member reviews Federal and state sunset review proposals, setting forth "ten basic principles that must be in any workable and responsible Sunset law."

Adams, Bruce, and Betsy Sherman. Sunset implementation: a positive partnership to make government work. Public administration review, v. 38, Jan.-Feb. 1978: 78-81. JK1.P85, v. 38

This article overviews sunset proposals on the state and Federal levels, underscoring the argument "that meaningful evaluation is critical to achieving the goals of Sunset."

American Enterprise Institute for Public Policy Research. Proposals for ranking the effectiveness of government programs. Washington, 1980. 18 p. (Its Legislative analysis, 96th Cong., no. 14) KF225.Z9A43

This work discusses recent government efforts to eliminate or reduce government programs. Some of these efforts include planning, programming, and budgeting (PPB), and zero base budgeting. "A relatively new proposal, which would complement such procedures by spotlighting particularly ineffective programs, is the Government Accountability Act. This analysis ... examines the terms of that proposal and the principal arguments for and against its enactment."

----- Zero-base budgeting and sunset legislation. Washington, 1978. 38 p. (Its Legislative analysis, 95th Cong., no. 17) KF6227.A4

Contents.--Background.--Zero-base budgeting bills.--White House ZBB initiative.--Sunset bills.--Arguments for ZBB.--Arguments against ZBB.--Arguments for sunset.--Arguments against sunset.

Bardach, Eugene. Policy termination as a political process. Policy sciences, v. 7, June 1976: 123-131. H1.P7, v. 7

Behn, Robert D. The false dawn of the sunset laws. Public interest, no. 49, fall 1977: 103-118. H1.P86

The author maintains that Federal sunset legislation would neither replace the assumption that programs should continue with one that they should terminate, result in improved program evaluation by Congress, nor make the threat of termination of a program real.

Birchfield, Martha J., and Wallis D. Hoffsis. Sunset legislation: an annotated bibliography. Monticello, Ill., Vance Bibliographies, 1980. 14 p. (Public administration series: bibliography P-437) KF4943.A1B57

"Sunset legislation provides for the systematic evaluation of government agencies and programs to determine whether each agency or program can justify its contribution beyond scheduled termination. Several federal sunset acts have been proposed but none has been passed. At the state level, ... [as of 1980] 31 states have passed sunset laws. Key lobbying efforts for sunset laws have been carried out by Common Cause. The literature on sunset legislation consists primarily of government reports and articles in social science and legal periodicals." This bibliography includes references to state and Federal sunset efforts.

CC put the new Congress on the record. In common, v. 8, winter 1977: 7-31.
JK1.I63, v. 8

Reports on the findings of a 1976 Common Cause survey of Congressional candidates. Candidates were asked to fill out a questionnaire which surveyed their attitudes on such subjects as conflict of interest regulations, sunset legislation, public financing of congressional elections, and the creation of a single House oversight committee for intelligence activities.

Clark, Timothy B., Marvin H. Kosters, and James C. Miller, editors. Reforming regulation. Washington, American Enterprise Institute for Public Policy Research, 1980 162 p. (AEI symposia, 80D) KF5407.A5R42

Contents.--Perspectives on regulation and its reform.--Sunset review. --The regulatory budget.--The case-by-case approach to regulatory reform. --Cost-benefit analysis of social regulation.--The Administration's regulatory reform initiatives.--Overview and summary.

Cohen, Richard E. Sunset proposals in Congress--sinking below the horizon? National journal, v. 11, Nov. 24, 1979: 1978-1981. JK1.N28, v. 11

"When 'sunset' legislation was introduced in 1976, it entailed the automatic extinction of federal programs every four years unless Congress reviewed them and explicitly reauthorized them. As a symbol of congressional efforts to trim the size of government, sunset gained broad support--until some Members of Congress grew aware of the workload it would impose. Now the House and the Senate are considering weakened versions, both of which would let the authorizing committees decide which programs should be reviewed. Only the Senate bill would provide for the automatic death of programs that Congress did not reauthorize after reviewing them."

----- Will the 96th become the 'oversight Congress'? National journal, v. 11, Jan. 13, 1979: 44-49. JK1.N28, v. 11

"This is the year that congressional oversight may come into its own. For whatever the reason--the 'taxpayers revolt,' the high cost of government, suspicion of government regulators or disenchantment with social programs--Members of Congress are scrambling to review the programs, policies and actions of the executive branch. Whether the glamour wears off or the political rewards eventually appear less lucrative remains to be seen, but for now, the 96th Congress seems ready to adopt the title of the Oversight Congress."

Controversy over proposed "sunset" legislation. Congressional digest, v. 59, Mar. 1980: whole issue. JK1.C15, v. 59

Contents.--Action in the Congress.--Programs affected.--Program reexamination.--Regulatory impact.--Pros & cons.

Crane, Edgar G., Jr. Legislative review of Government programs: tools for accountability. New York, Praeger, 1977. 289 p. (Praeger Special Studies in U.S. economic, social, and political issues)
JK2488.C68 1977

Delfico, Joseph F. Proposed sunset and zero-base legislation. GAO review, v. 11 [i.e. v. 12] winter 1977: 34-40. HJ9701.G3, v. 12

This article considers how such legislative proposals will work and examines their policy implications.

Dworak, Robert J. Zero-base budgeting and sunset laws: do they go together? National civic review, v. 67, Mar. 1978: 118-122, 129.
JS39.N3, v. 67

"Zero-Base and Sunset have captured the imaginations of politicians, bureaucrats and the public. The concepts seem to epitomize the attitude toward government--that the increase in the scale of government operations and the number of employees should be cut back. Although the concepts are different, they can be used together as compatible systems."

Educating policymakers for evaluation : legislation. Edited by Franklin M. Zweig; foreword by Harrison A. Williams, Jr. Beverly Hills, Sage Publications published in cooperation with the Evaluation Research Society, c1981. 160 p. (Sage research progress series in evaluation; v. 9)
JK1001.E34

Fields, Mary Jo. Sunset legislation. University of Virginia newsletter, v. 53, Apr. 1977: 1-4.

The author examines the background and concept of sunset legislation. She discusses its status at the national and state levels and includes a discussion of the utilization of zero-base budgeting techniques in the review and evaluation process.

Forum on MBO. Bureaucrat, v. 6, fall 1977: 3-79. JQ3092.Z1B86, v. 6

Series of articles discusses the use of management by objectives in several Federal programs at the state government level and also evaluates the effectiveness of sunset legislation.

Contents.--Applying MBO to the public sector, by M. Badawy.--Bureaucratic responsibility in the Federal energy administration, by R. Rycroft.--Organizing the poor: reexamining the OEO experiemce, by W. Kelso.--Sustaining PPBS in state government: Pennsylvania's second generation adaptations, by J. Skok.--Evaluating sunset: what will it mean? by S. Charnovitz.

Gaine, John G. The 1978 sunset review of the CFTC: analysis and comment. Record of the Association of the Bar of the City of New York, v. 34, Apr. 1979: 290-299. Law

The general counsel of the Commodity Futures Trading Commission approves of the manner in which Congress decided to reauthorize his agency in 1978.

Gardner, Judy. Doubts over 'sunset' bill fail to deter backers of concept. Congressional quarterly weekly report, v. 34, Nov. 27, 1976: 3255-3258.
JK1.C15, v. 34

Discusses provisions of the sunset legislation which died at the end of the 94th Congress and speculates that similar legislation will be introduced again during the next Congress. Explains how the legislation will operate and describes Carter's use of zero-based budgeting in Georgia.

Green, Mark, and Andrew Feinstein. The trouble with sunset laws. Washington post, Oct 23, 1977: C8. Newsp

Havemann, Joel, and Richard E. Cohen. Zero-base budgeting and sunset legislation. National journal, v. 9, Apr. 2, 1977: 514-520. JK1.N28, v. 9

Two articles discuss the combined impact of zero-base budgeting and sunset legislation on Federal agency programs. Some agencies are enthusiastic about the proposed new budgeting program, but others fear drastic cuts in their programs. "A bill that would require automatic and periodic reviews of most federal programs as a way of determining whether they should be allowed to continue is working its way through Congress as a counterpart to the Administration's new zero-base budgeting process. The most controversial provision is one that would apply the same review to much of the tax code."

Jones, Reginald H. Sunset legislation. Tax review, v. 39, Dec. 1978: 51-54. HJ2360.T35, v. 39

"After a brief survey of the recent legislative history of the 'sunset' concept, ... [the author, who is chairman and chief Executive Officer of General Electric Company] argues that sunset for tax legislation would represent bad tax policy and would conflict with a number of important philosophical notions basic to the U.S. economic and political system."

Kaufman, Herbert. Are government organizations immortal? Washington, Brookings Institution, 1976. 79 p. JK21.K37

This work examines the longevity of government agencies, considering sunset proposals by implication only.

Klay, William Earle. A legislative tool to encourage agency efficiency. Public productivity review, v. 3, spring 1978: 23-31. JF1411.P8, v. 3

"Raises new insights into increasing efficiency of government agencies. Strategy is based on the frequently overlooked fact that the legislature, with its final authority over appropriations, is the key institution which encourages or discourages true cost consciousness."

League of Women Voters of the United States. Education Fund. Perspectives on sunset. [Washington] 1977. 4 p.

Discusses provisions of S. 2, the proposed Sunset Act, which was introduced in the 95th Congress and discusses other legislative sunset proposals introduced during the current Congress.

Leone, Richard C. The 'sunset proposal': how to ride herd on the budget. Nation, v. 222, May 22, 1976: 625-627. AP2.N2, v. 222

"The essence of the proposal is that nearly all federal programs should expire after four years, unless re-enacted by the Congress after thorough consideration by both the executive and the legislative branches. The bill also establishes a zero-base budgeting system for the federal government, similar to that currently in use in several states."

Licata, Anthony R. Zero-base sunset review. Harvard journal on legislation, v. 14, Apr. 1977: 505-558. Law

Comment examines the concept of zero-base budgeting and the sunset proposal. Contrasts legislation introduced in the 94th and 95th Congresses, and critiques S. 2, which is currently under scrutiny in the 95th Congress. Offers a model Federal Sunset Act, which combines sunset and zero-base budgeting.

McIntyre, James T., Jr., and Murray Comarow. Zero-base budgeting. Bureaucrat, v. 7, summer 1978: 40-44. JQ3092.Z1B86, v. 7

In this interview, the director of the Office of Management and Budget discusses the use of zero-base budgeting (ZBB) in the government and private sector. Offers some comparisons between the Federal and state zero-base budgeting process, and discusses zero-base budgeting as a program evaluation tool for the reauthorization process.

Middlemist, R. Dennis, Charles R. Greer, and Michael A. Hitt. Evaluating the public organization. Atlanta economic review, v. 28, Mar.-Apr. 1978: 54-58. HC108.A75A8, v. 28

The authors present a method for the internal evaluation of agency effectiveness, which may be used in conjunction with the sunset approach to provide effective evaluation of public sector programs.

Mitzman, Barry. Sunset laws: why they aren't working. Washington monthly, v. 11, June 1979: 48-51. E838.W37, v. 11

This article evaluates the effectiveness of sunset legislation, contending that these laws are doing little to reform or abolish agencies.

Muskie, Edmund S. Sunset: new sunlight on government. Trial magazine, v. 13, Feb. 1977: 47-49. Law

A U.S. Senator discusses the bill he introduced during the 94th Congress, which would "establish a process through which Congress is forced to apply greater scrutiny to the fruits of its legislative work. The bill would accomplish this by terminating every single federal program--with only a handful of exceptions--and every single federal tax expenditure every five years." The legislation would, in essence, "lend discipline and cohesiveness to the way in which the federal government handles the American taxpayers' money."

National Conference on Federal Regulation: roads to reform, Washington, D. C., 1979. Proceedings. Administrative law review, v. 32, spring 1980: whole issue. Law

This conference addressed such issues as regulatory reform, the effectiveness of sunset review, the need for improving administrative procedure, and whether or not attorneys practicing for the government should be allowed to enter a private practice which is involved with the government agency for which the attorney once worked.

Ogul, Morris S. Congress oversees the bureaucracy: studies in legislative supervision. Pittsburgh, University of Pittsburgh Press, 1976. 231 p. JK585.048

Organizational decline and cutback management; a symposium. Public administration review, v. 38, July-Aug. 1978: 315-357. JK1.P85, v. 38

Contents.--Organizational decline and cutback management, by C. Levine.--Organizational responses to municipal budget decreases, by A. Glassberg.--Closing a government facility, by R. Behn.--Termination: hard choices--harder questions, by G. Brewer.--The management of universities of constant or decreasing size, by R. Cyert.--Deregulation as a process of organizational reduction, by B. Mitnick.

Parris, Judith H. Sunset on the Potomac. Bureaucrat, v. 10, summer 1981: 45-48. JQ3092.Z1B86, v. 10

This article examines congressional efforts in the area of sunset legislation and evaluates the impact of sunset legislation on Federal agencies and programs.

Quitmeyer, John M. Sunset legislation: spotlighting bureaucracy. University of Michigan journal of law reform, v. 11, winter 1978: 269-289. K16.R68, v. 11

Comment suggests that sunset legislation is an "appropriate response" to public concerns about the size of government and expanse of its power. Describes "the deficiencies of current methods by which the legislature reviews activities of the executive branch ... and examines the provisions of sunset legislation, emphasizing the role of evaluation criteria, and suggests that elaborate quantitative techniques are not crucial for adequate evaluation. Evaluation criteria currently incorporated in various sunset statutes can best be classified according to those which apply to entity functioning and those which evaluate an entity's purpose."

Randall, Ron. What's wrong with sunset laws; 'zero-base' budgeting. Nation, v. 224, Mar. 19, 1977: 331-334. AP2.N2, v. 224

Contends that scheduled reviews and assessments of Federal agencies and their programs as provided by sunset legislation would be an impossible task since the "existing institutions cannot perform evaluations of all government programs at this rigorous level" and that a "bias against social welfare programs would be created."

Regulation of commodity futures trading symposium. Atlanta, Emory University School of Law, 1978. 847-1231 p.

Contents.--A new body of law in an era of industry growth, by W. Bagley.--A test of Federal sunset: congressional reauthorization of the Commodity Futures Trading Commission, by M. Young.--Leverage transactions: on creating a regulatory theme, by W. Greenstone.--The regulation of commodity trading advisors, by M. Mitchell.--Reparation proceedings under the Commodity Exchange Act, by J. Rosen.--State enforcement of the Commodity Exchange Act, by R. Lower.--Secondary liability under the Commodity Exchange Act--respondeat superior, aiding and abetting, supervision, and scienter, by J. Markham and E. Meltzer.--Genealogy and genetics of "contract of sale of a commodity for future delivery" in the Commodity Exchange Act, by G. Clark.

Schick, Allen. Zero-base budgeting and sunset: redundancy or symbiosis? Bureaucrat, v. 6, spring 1977: 12-32. JQ3092.Z1B86, v. 6

This article explains "ZBB and sunset, how they relate to one another, and (in a period of presidential transition) how they might be melded into federal practice."

Shimberg, Benjamin. The sunset approach: the key to regulatory reform? State government, v. 49, summer 1976: 140-147. JK2403.S7, v. 49

This article discusses the sunset proposal for the termination of agencies which are no longer useful or effective. The author contends that the appeal of sunset legislation may lead to disillusionment when it does not provide instant regulatory reform. "The real challenge lies in what comes after the Sunset review--making sure that needed changes are actually carried out and installing procedures to prevent new abuses in the future."

Silberman, Laurence H. If not the best, at least not the worst. Commonsense, v. 1, summer 1978: 18-26.

Asserts that "a method of identifying the least effective government programs could encourage citizens to view all programs as competing against each other for limited resources, making the truly worst programs candidates for termination."

Sunset laws: one more brave idea that's gone awry. U.S. news & world report, v. 84, May 29, 1978: 45-46. JK1.U65, v. 84

U.S. General Accounting Office. Congressional oversight reform proposals. [Washington] 1978. 85 p.

"PAD-78-73, June 8, 1978"

"This report discusses ways of strengthening the oversight process, particularly the nature of congressional review of broad policy subjects. GAO suggests (1) a requirement that over an 8-year cycle programs and activities be reviewed in policy subject areas designated in biennial concurrent resolutions on oversight, (2) a presumption that any program which is not reviewed during the 8-year cycle should be considered for termination, and (3) a mechanism by which individual programs can be designated for reauthorization which are not now subject to the reauthorization process."

----- Letter concerning comments on the Government Economy and Spending Reform Act of 1976. [Washington] 1976. 9 l.

"PAD-77-28, Dec. 23, 1976"

----- Observations on oversight reform; summary and consolidation of statements to congressional committees. [Washington] 1981. 16 p.

"PAD-81-17, 1981"

This is a summary of GAO statements to Congressional committees during the 96th Congress. GAO positions are "grouped under three main subjects: critical elements that should be part of any comprehensive oversight reform legislation; GAO positions on some specific issues related to oversight reform; and opportunities for better oversight under existing legislation."

U.S. General Accounting Office. Library. Zero based budgeting. [Washington] 1977. 20 p.

"This selective bibliography, covering the past several years, includes books, periodicals, Congressional documents and other government publications on the topic of zero-base budgeting and sunset legislation, with which it is closely associated. An abstract summarizing each item cited is also provided."

U.S. Library of Congress. Congressional Research Service. Sunset and program review legislation: some congressional options. By Judith H. Parris. [Washington] 1979. 40 p.

Report no. 79-152 GOV

----- Sunset laws: establishing systematic oversight procedure. [By] Virginia McMurtry. [Washington, 1976] 11 p. (Issue brief IB76049)

Continuously updated.

Waterfield, Maynard H. Rethinking the sunset concept. Tax review, v. 40, Sept. 1979: 29-32. HJ2360.T35, v. 40

"The important question to be asked about the proposed Sunset Act of 1979, asserts Tax Foundation's Director of Federal Affairs, Maynard H. Waterfield, is what sunset legislation would or would not accomplish if enacted. Reviewing the provisions of the bill and its predecessors, Mr. Waterfield enumerates the oversight powers which Congress already possesses. 'It would appear,' he concludes, 'that the one new thing which sunset provides is the ten-year, five-Congress review-reauthorization schedule.' Mr. Waterfield concludes by asking how effective any sunset law can be, since Congress has failed to use the powers it already has."

White, Anthony G. The management of static and declining public organizations: a selected bibliography. Monticello, Ill., Vance Bibliographies, 1979 [c1978] 8 p. (Public administration series: bibliography P-163) Z7164.A2W465/JF1411

ZBB. Bureaucrat, v. 6, spring 1977: whole issue. JQ3092.Z1B86, v. 6

Partial contents.--A context for zero-base budgeting, by T. Lynch. --Zero-base budgeting and sunset: redundancy or symbiosis? by A. Schick. --Introduction of zero-base budgeting, by G. Taylor.--Zero-base budgeting: new directions for the bureaucracy? by W. Broadnax.--Zero-based budgeting in Wilmington, Delaware, by D. Singleton, B. Smith, and J. Cleaveland.--The congressional budget process: why it worked this time, by L. Smith.--More about the impact of the Congressional Budget and Impoundment Control Act, by E. Betts, Jr., and R. Miller.

GENERAL AND FEDERAL SUNSET LEGISLATION: CONGRESSIONAL PUBLICATIONS

U.S. Congress. House. Committee on Government Operations. Legislation and National Security Subcommittee. "Sunset" legislation. Hearing, 95th Congress, 1st session, on H.R. 1756 and related bills. Oct. 17, 1977. Washington, U.S. Govt. Print. Off., 1977. 69 p. KF27.G6676 1977g

"To require authorizations of new budget authority for government programs at least every 5 years, to establish a procedure for zero-base review of government programs every 5 years, and for other purposes."

U.S. Congress. House. Committee on Rules. Subcommittee on the Legislative Process. Sunset, sunrise, and related measures. Hearings, 96th Congress 1st session on H.R. 2, H.R. 65, and H.R. 8585. Washington, U.S. Govt. Print. Off., 1980. 2 v. (1234 p.) KF27.R873 1979

Hearings held in Washington, D.C., Apr. 4-Dec. 5, 1979, and Columbia, S.C., Nov. 12, 1979.

U.S. Congress. House. Committee on Rules. Subcommittee on the Rules and Organization of the House. Hearings on Congressional procedures, 95th Congress, 2d session, on various bills. Washington, U.S. Govt. Print. Off., 1979. 919 p. KF27.R874 1978

U.S. Congress. House. Committee on the Budget. Task Force on the Budget Process. Zero-base budget legislation. Hearings, 94th Congress, 2d session, on zero-base budget legislation. June 30-July 28, 1976. Washington, U.S. Govt. Print. Off., 1976. 149 p. KF27.B842 1976

These hearings examine the concepts of sunset and zero-base budgeting.

U.S. Congress. Senate. Committee on Commerce, Science, and Transportation. Subcommittee on Aviation. Early sunset of the Civil Aeronautics Board. Hearings, 97th Congress, 1st session, on S. 1425 and S. 1426. July 7-9, 1981. Washington, U.S. Govt. Print. Off., 1981. 595 p.

"Serial no. 97-57"

U.S. Congress. Senate. Committee on Governmental Affairs. Sunset Act of 1980; report to accompany S. 2 together with additional and minority views. Washington, U.S. Govt. Print. Off., 1980. 97 p. (96th Congress, 2d session. Senate. Report no. 96-865)

S. 2 requires "authorizations of new budget authority for government programs at least every ten years, ... [and provides] for review of government programs every ten years."

----- Sunset Act of 1979. Hearings, 96th Congress, 1st session, on S. 2 and S. 1304. June 7-Sept. 13, 1979. Washington, U.S. Govt. Print. Off., 1979. 888 p. KF26.G67 1979aa

"S. 2, to require authorizations of new budget authority for government programs at least every 10 years, to provide for review of government programs every 10 years, and for other purposes."

"S. 1304, to improve congressional oversight of Federal programs and activities by requiring greater specificity in setting program objectives, by requiring continuing information on the extent to which programs are achieving their state objectives, by requiring periodic review of new authorizations of budget authority and tax expenditures, and for other purposes."

----- Sunset for regulatory agencies. Hearings, 96th Congress, 1st session, on S. 445 and title V of S. 2. May 23-June 15, 1979. Washington, U.S. Govt. Print. Off., 1979. 194 p. KF26.G67 1979ac

----- Program Evaluation Act of 1977; report to accompany S. 2 together with supplemental and additional views. Washington, U.S. Govt. Print. Off., 1977. 70 p. (95th Congress, 1st session. Senate. Report no. 95-326)

"To require authorizations of new budget authority for government programs at least every five years, to provide for review of government programs every five years, and for other purposes."

U.S. Congress. Senate. Committee on Governmental Affairs. Subcommittee on Intergovernmental Relations. Public attitude toward Congressional review of programs. Hearing, 95th Congress, 2d session. Apr. 26, 1978. Washington, U.S. Govt. Print. Off., 1978. 19 p. KF26.G738 1978a

----- The Regulatory Reform Act of 1977. Hearings, 95th Congress, 1st session, on S. 600. May 23-25, and June 8, 1977. Washington, U.S. Govt. Print. Off., 1977. 427 p. KF26.G6738 1977d

"To reorganize Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anticompetitive regulation, and to make regulation more effective and responsive to the public interest."

----- Sunset Act of 1977. Hearings, 95th Congress, 1st session, on S. 2. Mar. 22-30, 1977. Washington, U.S. Govt. Print. Off., 1977. 597 p.
KF26.G6738 1977b

"To require authorizations of new budget authority for government programs at least every 5 years, to provide for review of government programs every 5 years, and for other purposes."

U.S. Congress. Senate. Committee on Government Operations. Government Economy and Spending Reform Act of 1976; report to accompany S. 2925. Washington, U.S. Govt. Print. Off., 1976. 77 p. (94th Congress, 2d session. Senate. Report no. 94-1137)

"To provide for the elimination of inactive and overlapping Federal programs, to require authorizations of new budget authority for government programs and activities at least every four years, to establish a procedure for zero-base review and evaluation of government programs and activities every four years, and for other purposes."

----- Study on Federal regulation; congressional oversight of regulatory agencies. Vol. 2. Washington, U.S. Govt. Print. Off., 1977. 272 p.

At head of title: 95th Congress, 1st session. Committee print.

U.S. Congress. Senate. Committee on Government Operations. Subcommittee on Intergovernmental Relations. Government Economy and Spending Reform Act of 1976. Hearings, 94th Congress, 2d session, on S. 2925 and S. 2067, Mar. 17-Apr. 7, 1976. Washington, U.S. Govt. Print. Off., 1976. 539 p.
KF26.G655 1976

S. 2925 and S. 2067 provide for a systematic Congressional oversight process through the sunset and zero-base budget concepts.

U.S. Congress. Senate. Committee on Government Operations. Subcommittee on Oversight Procedures. Congressional oversight: methods and techniques. Washington, U.S. Govt. Print. Off., 1976. 254 p.

At head of title: 94th Congress, 2d session. Committee print.

----- Legislative oversight and program evaluation; a seminar sponsored by Congressional Research Service. Washington, U.S. Govt. Print. Off., 197 217 p.

At head of title: 94th Congress, 2d session. Committee print.

U.S. Congress. Senate. Committee on Rules and Administration. Government Economy and Spending Reform Act of 1976. Hearing, 94th Congress, 2d session, on S. 2925. Sept. 8, 1976. Washington, U.S. Govt. Print. Off., 1976. 133 p.
KF26.R8 1976a

----- Government Economy and Spending Reform Act of 1976; report to accompany S. 2925. Washington, U.S. Govt. Print. Off., 1976. 114 p. (94th Congress, 2d session. Senate. Report no. 94-1263)

"To provide for the elimination of inactive and overlapping Federal programs, to require authorizations of new budget authority for government programs and activities at least every four years, to establish a procedure for zero-base review and evaluation of government programs and activities every four years, and for other purposes."

----- Program Evaluation Act of 1977 and Federal Spending Control Act of 1977. Hearings, 95th Congress, 1st and 2d sessions, on S. 2 and S. 1244. Sept. 28, 1977-June 8, 1978. Washington, U.S. Govt. Print. Off., 1978. 557 p. KF26.R8 1977e

"S. 2, to require authorizations of new budget authority for government programs at least every five years, to provide for review of government programs every five years, and for other purposes and S. 1244, to limit the period of authorization of new budget authority provided in appropriation acts, to require analysis, appraisal, and evaluation of existing programs for which continued new budget authority is proposed to be authorized by committees of the Congress, and for other purposes."

This hearing contains an analysis of sunset and program review legislation by J. H. Parris, p. 406-411.

----- The Program Reauthorization and Evaluation Act of 1978; report together with additional views to accompany S. 2. Washington, U.S. Govt. Print. Off., 1978. 47 p. (95th Congress, 2d session. Senate. Report no. 95-981)

"To require authorizations of new budget authority for government programs at least every 5 years, to provide for review of government programs every 5 years, and for other purposes."

----- Recommendations for improving program review by Senate committees; report of the staff working group on S. 2 and S. 1244. Washington, U.S. Govt. Print. Off., 1978. 209 p. KF4943.A25 1978

At head of title: 95th Congress, 2d session. Committee print.

----- The Sunset Act of 1980; report together with minority views to accompany S. 2. Washington, U.S. Govt. Print. Off., 1980. 26 p. (96th Congress, 2d session. Senate. Report no. 96-924)

"S. 2 to require authorizations of new budget authority for government programs at least every 10 years, to provide for review of government programs every 10 years, and for other purposes."

ALABAMA

ALABAMA SUNSET LAW OF 1976

Ala. Code 1975 Ann. tit. 41 § 41-20-1 et seq. (1980 Cum. Supp.)

CHAPTER 20.—CONTINUATION OR TERMINATION OF STATE AGENCIES

Sec.
41-20-1. Short title.
41-20-2. Definitions.
41-20-3. Specification of termination dates for certain agencies; date and procedure generally for termination of agencies not designated; committee's right to review and make recommendations.
41-20-4. Creation of select joint committee for review and evaluation of agencies; composition; selection of members; chairman; duties generally; submission of data and report of recommendations as to continuation or termination of agencies; voting upon committee recommendations by legislature generally; compensation of members of committee.
41-20-5. Procedure for review and evaluation of agencies—Commencement and conclusion.
41-20-6. Same—Public hearings and receipt of testimony generally; burden of establishing public need for continuation of agencies; information to be provided by agencies under review.
41-20-7. Same—Factors to be considered in determining public need for continuation of agencies generally.
41-20-8. Same—Zero-based review and evaluation.
41-20-9. Same—Furnishing of information by department of examiners of public accounts and legislative fiscal office.
41-20-10. Debate and voting upon recommendations as to continuance or termination of agencies.
41-20-11. Requirement as to bill continuing, modifying or reestablishing agencies.
41-20-12. Cessation of affairs of agencies terminated; abolition of personnel positions and reversion to state of unexpended funds; expiration of licenses; penalties unenforceable.
41-20-13. Repetition of review and evaluation of agencies continued; life of newly created agencies; applicability of provisions of chapter thereto.
41-20-14. Effect of termination of agency upon claims or rights against said agency; payment of unsettled accounts.
41-20-15. Utilization of principles of zero-based review and evaluation by governor in preparation of budget.
41-20-16. Construction of chapter.

§ 41-20-1. Short title.

This chapter shall be known as the "Alabama Sunset Law of 1976." (Acts 1976, No. 512, p. 641, § 1.)

Cited in Opinion of Justices, 381 So. 2d 183 (Ala. 1980).

§ 41-20-2. Definitions.

As used in this chapter, unless the context requires a different meaning, the following words shall be defined as follows:

(1) Agency. All departments, councils, boards, commissions, divisions, bureaus or like governmental units or subunits of the state of Alabama which are regulatory in nature.

(2) Continuance. Such term, or any derivative thereof, shall mean continuance as presently in existence or as modified or reestablished by recommended legislation.

(3) Performance Audit. The same as operational audit.

(4) Termination. The end, abolishment or annulment of any agency or the act of causing the existence to cease. (Acts 1976, No. 512, p. 641, § 2; Acts 1979, No. 79-542, p. 976.)

The 1979 amendment, which became law without the governor's signature under § 125 of the Constitution on July 31, 1979, in subdivision (1), deleted "divisions, bureaus, commissions," following "departments," deleted "and" following "councils," inserted "commissions, divisions, bureaus" following "boards" and substituted "which are regulatory in nature" for "regulatory in nature of otherwise" at the end, and inserted "or reestablished" following "modified" in subdivision(2).

§ 41-20-3. Specification of termination dates for certain agencies; date and procedure generally for termination of agencies not designated; committee's right to review and make recommendations.

(a) The following agencies shall automatically terminate on the dates specified, unless they have received a majority vote by each house of the legislature that they be continued, modified or reestablished:

(1) October 1, 1982 shall be termination date for:

a. State board of auctioneers—created by section 34-4-50

b. State board of barber examiners—created by section 34-5-13.

c. Alabama board of cosmetology—created by section 34-7-40.

d. Boxing and wrestling commission—created by section 41-9-90.

e. Examining board for professional entomologists, horticulturists, floriculturists and tree surgeons—created by section 2-28-2.

f. Alabama board of funeral services—created by section 34-13-20.

g. State pilotage commission—created by section 33-4-1.

h. State polygraph examiners board—created by section 34-25-4.

i. State board of examiners for speech pathology and audiology—created by section 34-28A-40.

j. State board of veterinary medical examiners—created by section 34-29-20.

(2) October 1, 1983, shall be termination date for:

a. Alabama real estate commission—created by section 34-27-7.

b. Board of bar examiners—created by section 34-3-2.

c. Board of registration for sanitarians—created by section 34-28-20.

d. Board of examiners of mine personnel—created by section 25-9-9.

e. Board for registration of architects—created by section 34-2-20.

f. Board of examiners of landscape architects—created by section 34-17-2.

g. Alabama state board of public accountancy—created by section 34-1-3.

h. State board of registration for foresters—created by section 34-12-30.

i. State board for registration of professional engineers and land surveyors—created by section 34-11-30.

j. State licensing board for general contractors—created by section 34-8-20.

(3) October 1, 1984, shall be the termination date for:

a. State board of chiropractic examiners—created by section 34-24-140.

b. Alabama firefighters' personnel standards and education commission—created by section 36-32-2.

c. Board of hearing aid dealers—created by section 34-14-30.

d. Board of optometry—created by section 34-22-40.

e. Alabama peace officers' standards and training commission—created by section 36-21-41.

f. Board of physical therapy—created by section 34-24-192.

g. Board of plumbing examiners—created by section 40-12-145.

h. Board of examiners in psychology—created by section 34-26-20.

i. Board of social worker examiners—created by section 34-30-50.

j. State board of heating, air conditioning, roofing and sheet metal contractors—created by section 34-31-2.

(4) October 1, 1985, shall be the termination date for:

a. Alabama water well standards board—created by section 22-24-3.

b. Board of certification of water and waste water systems operators—created by section 22-25-3.

c. State licensing board for the healing arts—created by section 34-24-1.

d. State board of medical examiners—created by section 34-24-53.

e. Board of medical technicians examiners—created by section 34-18-40.

f. Board of dental examiners—created by section 34-9-40.

g. Board of nursing—created by section 34-21-2.

h. State board of examiners of nursing home administrators—created by section 34-20-4.

i. State board of pharmacy—created by section 34-23-90.

j. State board of podiatry—created by section 34-24-250.

(b) Any state agency regulating occupations or professions existing on July 31, 1979, and not specifically listed in this section shall be terminated on October 1, 1983, and the provisions of this chapter shall apply to them as if they were enumerated in this chapter and acted on by the legislature and governor as provided in this chapter.

(c) Any law to the contrary notwithstanding, nothing in this chapter shall be construed to limit the joint committee's right to call any agency for review at a date earlier than specified in this section; nor shall the committee be limited to making recommendations for termination only or continuance only. The committee shall establish its own schedule for review; provided, however, each agency shall be reviewed at least once every four years. Further, the committee shall determine which other regulatory agencies not enumerated in this section it shall review, and upon such review said agency shall have a termination date of the first succeeding October 1 following the regular legislative session which succeeded said review by and recommendation of the committee. (Acts 1976, No. 512, p. 641, §3; Acts 1979, No. 79-542, p. 976.)

The 1979 amendment, which became law without the governor's signature under §125 of the Constitution on July 31, 1979, in subsection (a), inserted "automatically" preceding "terminate," substituted the language beginning with "on the dates specified" for "or continue as provided in sections 41-20-10, 41-20-11, and 41-20-14" at the end and rewrote subdivisions (1), (2), (3) and (4), in subsection (b), inserted "regulating occupations or professions" following "agency," substituted "July 31, 1979" for "August 24, 1976," substituted "1983" for "1978," and deleted the former last part of the subsection which provided that no state agency shall be terminated unless it has been first reviewed by the select joint committee, rewrote subsection (c) and deleted former subsection (d) which provided that no agency shall be terminated except by action of both houses of the legislature.

Code commissioner's notes.—Acts 1979, No. 153, effective May 29, 1979, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, terminates the Civil Defense Advisory Council.

Acts 1979, No. 154, effective May 29, 1979, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, terminates the board of corrections.

Collateral references.—73 C.J.S. Public Administrative Bodies and Procedure, § 23; 81A C.J.S. States, § 41.

§ 41-20-4. Creation of select joint committee for review and evaluation of agencies; composition; selection of members; chairman; duties generally; submission of data and report of recommendations as to continuation or termination of agencies; voting upon committee recommendations by legislature generally; compensation of members of committee.

(a) A select joint committee, know as the sunset committee, shall be constituted as follows:

(b) Three members of the house and three members of the senate shall be elected in the same manner as the elected members of the legislative council by the respective houses: two from the Alabama senate and two from the Alabama house of representatives shall be appointed by the presiding officer of said elected bodies; and the president pro tempore of the senate and the speaker pro tem of the house of representatives. The chairman shall be elected from among the members of the committee, alternating annually between a house member and a senate member.

(c) Said select joint committee shall be charged with the duty of assisting in the implementation of the procedures of this chapter and shall be charged with the duty of establishing administrative procedures which shall facilitate the review and the evaluation procedure as provided for in this chapter.

The committee shall submit its report to the offices of the speaker and the president for distribution to legislators and the governor on or before the first legislative day of the ensuing regular legislative session. The committee shall submit a report of its recommendations to the legislature in an appropriate form so that the legislature may vote to accept or reject the recommendation with respect to each agency. If the committee's recommendation is that the agency be continued and the legislature votes to accept the recommendation such agency shall be continued. If the committee's recommendation is that the agency be terminated, such agency shall be terminated upon the date specified in section 41-20-3. If the legislature votes not to accept the recommendation, then the agency shall be continued. The committee shall file with its report data in support of its recommendations with respect to each agency. The committee shall use sections 41-20-8 and 41-20-9 as the guideline in preparing its report; provided, however, nothing in this section shall be construed to prohibit the committee from using other pertinent criteria and methods.

(e) The committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee which shall be paid from funds appropriated for the payment of the expenses of the legislature. There shall be no limitation upon the number of days the committee or any subcommittee thereof shall meet; provided, however, the members shall be entitled to payment only for the days they are actually engaged in committee business. (Acts 1976, No. 512, p. 641, § 10; Acts 1979, No. 79-542, p. 976.)

The 1979 amendment, which became law without the governor's signature under § 125 of the Constitution on July 31, 1979, in subsection (a), deleted "eleven-member" following "select," inserted "known as the sunset committee" following "joint committee," and substituted "constituted as follows:" for "named no later than September 1, 1976," and rewrote subsections (b) and (d).

§ 41-20-5. Procedure for review and evaluation of agencies—Commencement and conclusion.

Legislative committee review of the agencies shall begin in the year prior to the scheduled regular legislative session next preceding the date upon which the agencies are scheduled to terminate pursuant to section 41-20-3, and shall conclude with a recommendation for continuation or termination on or before the first legislative day immediately following said review. The committee is authorized to call other agencies for review, whether or not herein enumerated, with no less than 30 days notice in writing, to the director or head of such agency. (Acts 1976, No. 512, p. 641, § 4; Acts 1979, No. 79-542, p. 976.)

The 1979 amendment, which became law without the governor's signature under § 125 of the Constitution on July 31, 1979, in the first sentence, substituted "the" for "state" following "review of," substituted "in the year" for "at least four months" preceding "prior," inserted "scheduled" preceding "regular" and added the last sentence.

§ 41-20-6. Same—Public hearings and receipt of testimony generally; burden of establishing public need for continuation of agencies; information to be provided by agencies under review.

(a) Pursuant to the language of section 41-20-5, the legislative committee reviewing such agencies, shall hold public hearings and receive testimony from the public and all interested parties.

(b) All agencies shall bear the burden of establishing that sufficient public need is present which justifies their continued existence.

(c) All agencies shall provide the reviewing and evaluating committee with the following information:

(1) The identity of all agencies under the direct or advisory control of the agency under review;

(2) All powers, duties and functions currently performed by the agency under review;

(3) All constitutional, statutory or other authority under which said powers, duties and functions of the agency are carried out;

(4) Any powers duties or functions which, in the opinion of the agency under review, are being performed and duplicated by another agency within the state, including the manner in which and the extent to which this duplication of efforts is occurring any any recommendations as to eliminating the duplication;

(5) Any powers, duties or functions which, in the opinion of the agency under review, is inconsistent with current and pro-

jected public needs and which should be terminated or altered; and

(6) Any other information which the reviewing committee, in its discretion, feels is necessary and proper in carrying out its review and evaluative duties. (Acts 1976, No. 512, p. 641, §7.)

Collateral references.—73 C.J.S., Public Administrative Bodies & Procedure, §23.

§41-20-7. Same—Factors to be considered in determining public need for continuation of agencies generally.

In said public hearings, the determination as to whether a sufficient public need for continuance is present shall take into consideration the following factors concerning the agency under review and evaluation:

(1) The extent to which any information required to be furnished to the reviewing committee pursuant to section 41-20-6 has been omitted, misstated or refused and the extent to which conclusions reasonably drawn from said information is adverse to the legislative intent inherent in the powers, duties and functions as established in the enabling legislation creating said agency or is inconsistent with present or projected public demands or needs;

(2) The extent to which statutory changes have been recommended which would benefit the public in general as opposed to benefitting the agency;

(3) The extent to which operation has been efficient and responsive to public needs;

(4) The extent to which it has been encouraged that persons regulated report to the agency concerning the impact of rules and decisions regarding improved service, economy of service or availability of service to the public;

(5) The extent to which the public has been encouraged to participate in rule and decision making as opposed to participation solely by persons regulated;

(6) The extent to which complaints have been expeditiously processed to completion in the public interest;

(7) The extent to which the division, agency or board has permitted qualified applicants to serve the public;

(8) The extent to which affirmative action requirements of state and federal statutes and constitutions have been complied with by the agency or the industry it regulates; and

(9) Any other relevant criteria which the reviewing committee, in its discretion, deems necessary and proper in reviewing and evaluating the sufficient public need for continuance of the respective agency. (Acts 1976, No. 512, p. 641, §8.)

§41-20-8. Same—Zero-based review and evaluation.

(a) In conjunction with the criteria enumerated in section 41-20-7, one criterion which shall be used in determining sufficient public need in such public hearings shall be a "zero-based review and evaluation." A "zero-based review and evaluation" shall be a comprehensive review and evaluation to determine if the merits of the agency support continuation rather than termination and reach a finding as to what amounts of funding, if any, shall be authorized to produce correspondingly greater or lesser levels of responsibility and service output. Such a procedure shall necessitate the review and evaluation of all powers, duties and functions which currently are exercised by the agency as well as any request for additions to said powers, duties or functions when reviewing the sufficient public need of the agency.

(b) Said "zero-based review and evaluation" shall include, but not be limited to, the following factors:

(1) An identification of other agencies having the same or similar objective, along with a comparison of the cost and effectiveness of said agencies, and any duplication of the agency under review;

(2) An identification of any agency which has not received and expended state tax dollar revenues within a period of two years prior to said hearings;

(3) An examination of the extent to which the objectives of the agency have been achieved in comparison with the objectives as initially set forth in the enabling legislation and an analysis of any significant variance between projected and actual performance;

(4) A specification, to the extent feasible, in quantitative terms of the objectives of said agency for the next four years; and

(5) An examination of the impact of said agency on the economy of the state. (Acts 1976, No. 512, p. 641, § 9.)

§ 41-20-9. Same—Furnishing of information by department of examiners of public accounts and legislative fiscal office.

The department of examiners of public accounts and the legislative fiscal office of the state shall furnish, upon request of the reviewing and evaluating committee, any relevant information including the results of prior audits and reviews of any agency under review. (Acts 1976, No. 512, p. 641, § 12.)

Cross reference.—As to department of examiners of public accounts generally, see § 41-5-1 et seq.

§ 41-20-10. Debate and voting upon recommendations as to continuance or termination of agencies.

On the tenth legislative day of the regular session, one hour after the last house convenes, voting in the respective houses of the legislature on the joint committee's recommendations shall commence and thereafter shall continue, from day to day, until voting on all the recommendations with respect to each agency is completed, as the first order of business. Modification or continuance of any agency, unit or subunit shall be by bill for an act passed by simple majority roll call vote of both house and senate; provided, however, if no vote is taken prior to the termination of debate then in that event the agency shall terminate automatically as provided herein. Debate on the modification or continuance of any agency shall not continue beyond the period of two hours from the start of debate on each vote and a recorded vote must be taken at the expiration of said debate.

"Debate" as used in this section shall mean two hours total time allocated for discussion on each agency considered. At the end of this two-hour period of time allocated, which shall be continuous and uninterrupted, it shall be mandatory that the president of the senate and the speaker of the house shall, in their respective houses, call for a recorded vote on whether to accept the recommendations with respect to the agency in question. (Acts 1976, No. 512, p. 641, § 11; Acts 1979, No. 79-542, p. 976.)

The 1979 amendment, which became law without the governor's signature under § 125 of the Constitution on July 31, 1979, substituted "is" for "are" in the first sentence, in the second sentence, substituted "Modification" for "Termination" at the beginning, inserted "bill for an act passed by" preceding "simple majority" near the middle and added the language beginning with "if no vote is taken" at the end, substituted "modification" for "termination" in the third sentence, deleted "for continuance" at the end of the fourth sentence, and substituted "accept the recommendations with respect to" for "continue" near the end of the last sentence.

Cross reference.—As to voting upon recommendations of select joint committee as to continuation or termination of agencies generally, see § 41-20-4.

Cited in Opinion of the Justices, 356 So. 2d 617 (Ala. 1978).

§ 41-20-11. Requirement as to bill continuing, modifying or reestablishing agencies.

No more than one agency shall be continued, modified or reestablished in any one bill for an act as provided for in section 41-20-4, and such agency shall be mentioned in title as provided by law. (Acts 1976, No. 512, p. 641, § 14; Acts 1979, No. 79-542, p. 976.)

The 1979 amendment, which became law without the governor's signature under § 125 of the Constitution on July 31, 1979, substituted "modified" for "terminated," and "bill for an act" for "resolution," deleted "resolution's" preceding "title" and deleted the former last sentence which provided that the resolution shall be governed by § 125 of the Constitution.

§ 41-20-12. Cessation of affairs of agencies terminated; abolition of personnel positions and reversion to state of unexpended funds; expiration of licenses; penalties unenforceable.

Any agency specified which is terminated shall cease its affairs on the date specified in section 41-20-3. From the date of sine die of the regular legislative session, immediately preceding the date of termination, any agency automatically terminated because of the legislature not continuing, modifying or reestablishing it, shall exercise no functions or powers except to administratively wind up its affairs. Upon the termination date such agency and its personnel position shall be abolished with all unexpended funds reverting back to the state fund from which its appropriation was made. Any license issued by such agency, which has an expiration date after the agency's date of termination, shall expire on the effective date of the agency's abolishment. Any penalties for engaging in any profession or activity without being licensed therefor shall not be enforceable with respect to activities occurring after the agency has ceased its functions pursuant to this chapter. (Acts 1976, No. 512, p. 641, § 5; Acts 1979, No. 79-542, p. 976.)

The 1979 amendment, which became law without the governor's signature under § 125 of the Constitution on July 31, 1979, rewrote this section.

§ 41-20-13. Repetition of review and evaluation of agencies continued; life of newly created agencies; applicability of provisions of chapter thereto.

(a) The life of any agency scheduled for termination under this chapter may be continued, modified or reestablished on a roll call vote of the legislature, as provided herein, after which time review and evaluation pursuant to the provisions of this chapter shall be repeated.

(b) Any newly created agency shall have a life, stated in its enabling legislation, not to exceed four years and shall be subject to the provisions of this chapter. (Acts 1976, No. 512, p. 641, § 6; Acts 1979, No. 79-542, p. 976.)

The 1979 amendment, which became law without the governor's signature under § 125 of the Constitution on July 31, 1979, inserted "modified or reestablished" following "continued" in subsection (a).

§ 41-20-14. Effect of termination of agency upon claims or rights against said agency; payment of unsettled accounts.

(a) This chapter shall not cause the dismissal of any claim or right of any citizen which is subject to administrative hearing or litigation against any state agency terminated pursuant to the provisions of this chapter.

(b) The state comptroller is authorized to draw warrants on the state treasury for any outstanding accounts which are legally owed but unsettled by any agency which has ceased functioning pursuant to this chapter. Such claims must be presented and paid in the same manner as required by law for any claim for the payment of state funds. (Acts 1976, No. 512, p. 641, § 15; Acts 1979, No. 79-542, p. 976.)

The 1979 amendment, which became law without the governor's signature under § 125 of the Constitution on July 31, 1979, designated the former section as subsection (a) and added subsection (b).

§ 41-20-15. Utilization of principles of zero-based review and evaluation by governor in preparation of budget.

The governor is urged to utilize the principles of "zero-based review and evaluation" for each state agency in his preparation of the budget for each fiscal year and to include such analysis, together with his recommendations, in his transmission of the budget to the legislature. (Acts 1976, No. 512, p. 641, § 13.)

Cross references.—As to preparation, etc., of budget generally, see § 41-4-82 et seq. As to responsibilities of governor in preparation and management of budget generally, see § 41-19-1 et seq.

§ 41-20-16. Construction of chapter.

Nothing in this chapter shall be construed to abrogate any powers, duties or functions of any agency established by the people of Alabama in the Constitution of 1901. (Acts 1976, No. 512, p. 641, § 16.)

ALASKA

TERMINATION, CONTINUATION AND REESTABLISHMENT OF REGULATORY BOARDS

Alaska Stat. Ann. § 08.03.010 et seq. (Sept. 1977 main volume and 1980 Cum. Supp.); § 44.66.010 et seq. (Oct. 1980 main volume)

Chapter 03.—Termination, Continuation and Reestablishment of Regulatory Boards

Sec.
10. Termination, continuation and reestablishment of regulatory boards

Cross reference.—As to review of the activities of agencies, boards and commissions, see AS 44.66.010 et seq.

Editor's note.—Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have contributed to a public disenchantment with the operation of state government, and that there is need for an effective and regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

Sec. 08.03.010. Termination, continuation and reestablishment of regulatory boards. (a) Boards listed in this subsection have a termination date of June 30, 1979:

(1) Repealed by § 3 ch 36 SLA 1980;
(2) Repealed by § 3 ch 40 SLA 1980;
(3) Repealed by § 3 ch 87 SLA 1980;
(4) Repealed by § 3 ch 74 SLA 1979;
(5) Repealed by § 3 ch 39 SLA 1980;
(6) Repealed by § 3 ch 37 SLA 1980;
(7) Repealed by § 3 ch 38 SLA 1980;
(8) Repealed by § 3 ch 41 SLA 1980;
(9) Repealed by § 3 ch 67 SLA 1980;
(10) Repealed by § 2 ch 43 SLA 1980;
(11) Repealed by § 3 ch 42 SLA 1980;

(b) Boards listed in this subsection have a termination date of June 30, 1980:

(1) Repealed by § 15 ch 82 SLA 1980;
(2) Repealed by § 5 ch 159 SLA 1980;
(3) Collection Agency Board (AS 08.24.011);
(4) Repealed by § 5 ch 159 SLA 1980;
(5) Repealed by § 11 ch 71 SLA 1980;
(6) Repealed by § 7 ch 72 SLA 1980;
(7) Guide Licensing and Control Board (AS 08.54.010);
(8) Repealed by § 8 ch 143 SLA 1980;
(9) Repealed by § 42 ch 167 SLA 1980;
(10) Repealed by § 2 ch 153 SLA 1980;
(11) Board of Governors of the Alaska Bar Association (AS 08.08.040).

(c) The following boards have the termination date provided by this subsection:

(1) Board of Nursing (AS 08.68.010)—June 30, 1983.
(2) Board of Chiropractic Examiners (AS 08.20.010)—June 30, 1984.

(3) Board of Examiners in Optometry (AS 08.72.010)—June 30, 1984.

(4) Board of Pharmacy (AS 08.80.010)—June 30, 1984.

(5) Board of Dispensing Opticians (AS 08.71.010)—June 30, 1985.

(6) Board of Dental Examiners (AS 08.36.010)—June 30, 1982.

(7) Board of Veterinary Examiners (AS 08.98.010)—June 30, 1985.

(8) State Physical Therapy Board (AS 08.84.010)—June 30, 1986.

(9) Board of Nursing Home Administrators (AS 08.70.010)—June 30, 1986.

(10) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010)—June 30, 1982.

(11) State Medical Board (AS 08.64.010)—June 30, 1983.

(12) Board of Marine Pilots (AS 08.62.010)—June 30, 1983.

(13) Board of Welding Examiners (AS 08.99.010)—June 30, 1981.

(14) Board of Electrical Examiners (AS 08.40.010)—June 30, 1982.

(15) State Board of Registration for Architects, Engineers, and Land Surveyors (AS 08.48.010)—June 30, 1984.

(16) Board of Barbers and Hairdressers (AS 08.13.010)—June 30, 1984.

(17) Board of Public Accountancy (AS 08.04.010)—June 30, 1984.

(18) Real Estate Commission (AS 08.88.011)—June 30, 1982.

(d) Repealed by § 3 ch 74 SLA 1979.

(e) Repealed by § 3 ch 74 SLA 1979. (§ 2 ch 149 SLA 1977; am §§ 1, 3 ch 74 SLA 1979; am §§ 1, 3 ch 36 SLA 1980; am §§ 1, 3 ch 37 SLA 1980; am §§ 1, 3, ch 38 SLA 1980; and §§ 1, 3 ch 39 SLA 1980; am §§ 1, 3 ch 40 SLA 1980; am §§ 1, 3 ch 41 SLA 1980; am §§ 1, 3, ch 42 SLA 1980; am §§ 1, 2 ch 43 SLA 1980; am §§ 1, 3 ch 67 SLA 1980; am §§ 10, 11 ch 71 SLA 1980; am §§ 6, 7 ch 72 SLA 1980; am §§ 2, 15 ch 82 SLA 1980; am §§ 1, 3 ch 87 SLA 1980; am §§ 7, 8 ch 143 SLA 1980; am §§ 1, 2 ch 153 SLA 1980; am §§ 2, 5 ch 159 SLA 1980; am §§ 41, 42 ch 167 SLA 1980).

Revisor's note.—Subsection (c) was rearranged by the revisor of statutes pursuant to AS 01.05.031 to conform to a logical arrangement of the subject matter.

Cross reference.—For present provisions covering the subject matter of subsection (c) as it read prior to the 1979 amendment and of former subsections (d) and (e), see AS 08.03.020.

Effect of amendments.—The 1979 amendment repealed paragraph (4) of subsection (a), which read: "Board of Nursing (AS 08.68.010)," rewrote subsection (c), and repealed subsections (d) and (e), which read: "The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050" and "A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years," respectively.

The first 1980 amendment, effective May 27, 1980, repealed paragraph (1) of subsection (a), which read: "Board of Chiropractic Examiners (AS 08.20.010)" and added paragraph (2) of subsection (c).

The second 1980 amendment, effective May 27, 1980, repealed paragraph (6) of subsection (a), which read: "Board of Examiners in Optometry (AS 08.72.010)" and added paragraph (3) of subsection (c).

The third 1980 amendment, effective May 27, 1980, repealed paragraph (7) of subsection (a), which read: "Board of Pharmacy (AS 08.80.010)" and added paragraph (4) of subsection (c).

The fourth 1980 amendment, effective May 27, 1980, repealed paragraph (5) of subsection (a), which read: "Board of Dispensing Opticians (AS 08.71.010)" and added paragraph (5) of subsection (c).

The fifth 1980 amendment, effective May 27, 1980, repealed paragraph (2) of subsection (a), which read: "Board of Dental Examiners (AS 08.36.010)" and added paragraph (6) of subsection (c).

The sixth 1980 amendment, effective May 27, 1980, repealed paragraph (8) of subsection (a), which read: "Board of Veterinary Examiners (AS 08.98.010)" and added paragraph (7) of subsection (c).

The seventh 1980 amendment, effective May 27, 1980, repealed paragraph (11) of subsection (a), which read: "Physical Therapy Board (AS 08.84.010)" and added paragraph (8) of subsection (c).

The eighth 1980 amendment, effective May 27, 1980, repealed paragraph (10) of subsection (a), which read: "Board of Nursing Home Administrators (AS 08.70.010)" and added paragraph (9) of subsection (c).

The ninth 1980 amendment, effective June 13, 1980, repealed former paragraph (9) of subsection (a), which read: "Board of Psychologist and Psychological Associate Examiners (AS 08.86.010)" and added paragraph (10) of subsection (c).

The tenth 1980 amendment, effective June 30, 1980, repealed former paragraph (5) of subsection (b), which read: "Board of Electrical Examiners (AS 08.40.010)" and added paragraph (14) of subsection (c).

The eleventh 1980 amendment, effective July 1, 1980, repealed former paragraph (6) of subsection (b), which read: "State Board of Registration for Architects, Engineers and Land Surveyors (AS 08.48.011)" and added paragraph (15) of subsection (c).

The twelfth 1980 amendment, effective June 30, 1980, repealed former paragraph (1) of subsection (b), which read: "Board of Public Accountancy (AS 08.04.010)" and added paragraph (17) of subsection (c).

The thirteenth 1980 amendment, effective June 19, 1980, repealed former paragraph (3) of subsection (a), which read: "State Medical Board (AS 08.64.010)" and added paragraph (11) of subsection (c).

The fourteenth 1980 amendment, effective June 30, 1980, repealed former paragraph (8) of subsection (b), which read: "Board of Marine Pilots (AS 08.62.010)" and added paragraph (12) of subsection (c).

The fifteenth 1980 amendment, effective June 30, 1980, repealed former paragraph (10) of subsection (b), which read: "Board of Welding Examiners (AS 08.99.010)," and added paragraph (13) of subsection (c).

The sixteenth 1980 amendment, effective July 2, 1980, repealed paragraphs (2) and (4) of subsection (b), which read: respectively: "Board of Barber Examiners (AS 08.12.010)" and "Board of Hairdressing and Beauty Culture Examiners (AS 08.28.010)" and added paragraph (16) of subsection (c).

The seventeenth 1980 amendment, effective June 30, 1980, repealed paragraph (9) of subsection (b), which read: "Real Estate Commission (AS 08.88.011)," and added paragraph (18) of subsection (c).

Effect of amendments.—The first, second, fourth, sixth and seventh 1980 amendments, effective June 1, 1980, June 3, 1980, June 13, 1980, June 30, 1980, and July 3, 1980, respectively, all substituted "Except as otherwise provided in this title" for "All" at the beginning of subsection (a).

The third and fifth 1980 amendments, effective June 5, 1980, and July 1, 1980, respectively, both substituted "Except as otherwise provided by statute" for "All" at the beginning of subsection (a).

The third and fifth 1980 amendments were superseded by the sixth and seventh 1980 amendments, and therefore, subsection (a) is set out as it appears in the later amendments.

As the rest of the section was not affected by the amendments, it is not set out.

Chapter 02. Miscellaneous Provisions

Sec. 08.02.020. Limitation of liability for members of licensing boards.

Cross reference.—As to constitutionality of ch. 102, SLA 1976, see notes to AS 09.55.536 and Alas. Const., art. II, § 14.

Chapter 03. Termination, Continuation and Reestablishment of Regulatory Boards

Sec.
20. Procedures governing termination, transition and continuation.

Sec. 08.03.020. Procedures governing termination, transition and continuation. (a) Upon termination, each board listed in AS 08.03.010 shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(b) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(c) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years unless the board is continued or reestablished for a longer period under AS 08.03.010. (§ 2 ch 74 SLA 1979; am § 2 ch 36 SLA 1980; am § 2 ch 37 SLA 1980; am § 2 ch 38 SLA 1980; am § 2 ch 39 SLA 1980; am § 2 ch 40 SLA 1980; am § 2 ch 41 SLA 1980; am § 2 ch 42 SLA 1980; am § 2 ch 67 SLA 1980; am § 2 ch 87 SLA 1980).

Revisor's note.—AS 08.03.020 as added by sec. 2, ch 74, SLA 1979 derives from former AS 08.03.010(c), (d) and (e) which were repealed by ch. 74, SLA 1979.

Effect of amendments.

The first, second, and third 1980 amendments, effective May 27, 1980, June 13, 1980, and June 19, 1980, respectively, all added "unless the board is continued or reestablished for a longer period under AS 08.03.010" to the end of subsection (c).

Legislative history note.—For adoption of the Free Conference Committee Report on SB 240, see 1980 Senate Journal, p. 1429.

Sec. 44.66.010. Termination of state boards and commissions. (a) Boards and commissions listed in this subsection expire on the date set out after each:

(1) Alcoholic Beverage Control Board (AS 04.06.010) — June 30, 1981;

(2) Alaska Transportation Commission (AS 42.07.011) — June 30, 1983;

(3) State Board of Parole (AS 33.15.010) — June 30, 1980;

(4) Alaska Public Utilities Commission (AS 42.05.010) — June 30, 1985;

(5) Alaska Pipeline Commission (AS 42.06.010) — June 30, 1981;

(6) Alaska Council on Science and Technology (AS 44.19.181)—June 30, 1983;

(7) Alaska Renewable Resources Corporation (AS 37.12.010)—June 30, 1982;

(8) Alaska Code Revision Commission (AS 24.20.075) — June 30, 1982;

(9) Rural Development Council (AS 44.47.160 — 44.47.190) — June 30, 1987.

(b) Upon termination, a commission listed in (a) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs.

(c) A commission scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (§ 3 ch 149 SLA 1977; am § 3 ch 101 SLA 1978; am § 10 ch 179 SLA 1978; am § 3 ch 44 SLA 1980; am § 1 ch 115 SLA 1980; am § 11 ch 131 SLA 1980; am § 11 ch 136 SLA 1980; am § 3 ch 172 SLA 1980)

Effect of amendments.—The first 1978 amendment added paragraph (6) of subsection (a).

The second 1978 amendment added paragraph (7) of subsection (a).

The first 1980 amendment substituted "(AS 04.06.010) — June 30, 1981" for "AS 04.05.010 — June 30, 1979" in paragraph (1) of subsection (a).

The second 1980 amendment substituted "1983" for "1979" at the end of the paragraph (2) of subsection (a).

The third 1980 amendment substituted "1985" for "1980" at the end of paragraph (4) of subsection (a).

The fourth 1980 amendment added paragraph (8) of subsection (a).

The fifth 1980 amendment added paragraph (9) of subsection (a).

Sec. 44.66.020. Agency programs. (a) Agency programs and activities listed in this subsection which are specifically designated as provided in AS 44.66.030 are subject to termination during the regular legislative session convening in the month and year set out after each:

(1) programs in the budget categories of general government, public protection, and administration of justice—January, 1980;

(2) programs in the budget categories of education and the University of Alaska—January, 1981;

(3) programs in the budget categories of health and social services—January, 1982;

(4) programs in the budget categories of natural resources management, development and transportation—January, 1983.

(b) An agency program or activity designated in (a) of this section shall be subject to termination during the regular legislative session convening four years after the preceding review and may be subject to termination at any time upon the recommendation of the Legislative Budget and Audit Committee and the concurrence of the legislature as if under AS 44.66.030. (§3 ch 149 SLA 1977)

Sec. 44.66.030. Program identification. During the legislative session preceding each of the years set out in AS 44.66.020, the Legislative Budget and Audit Committee shall designate, not later than March 1 of those years, the programs and activities within each program category which shall be subject to termination in the next fiscal year. The recommendations of the Legislative Budget and Audit Committee shall be submitted to the respective houses of the legislature in the form of a bill which, if enacted into law, would terminate those designated programs and activities on or before July 1 of the following year. (§3 ch 149 SLA 1977)

Sec. 44.66.050. Legislative oversight. Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or AS 44.66.010, or of an agency program under AS 44.66.020 and 44.66.030, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or

commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

(d) As to each board, commission, or agency program assigned to it for purposes of review, the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of the house. The report shall contain a summary of the findings of the committee as to the compliance of the board, commission or program with the factors enumerated in (c) of this section, together with a summary or recommendations of the committee as to each of the following:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

(4) an assessment of alternative methods of achieving the purposes of the program;

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

(e) The committee of reference may introduce a bill providing for the reorganization or continuation of the board, commission or agency program. No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board, commission, or agency progam shall be mentioned in the title of the bill. (§ 3 ch 149 SLA 1977)

Sec. 44.66.060. Existing claims. This chapter shall not cause the termination or dismissal of a claim or right of a citizen against a board, commission or program of an agency terminated under this chapter which is subject to litigation. Claims and rights shall be assumed by the department to which the board or commission terminated under this chapter was attached for administrative purposes. (§ 3 ch 149 SLA 1977)

ARIZONA

LEGISLATIVE REVIEW OF AGENCIES

Ariz. Rev. Stat. Ann. § 41-2351 et seq. (1981 Cum. Ann. Pocket Part)

CHAPTER 20.—LEGISLATIVE REVIEW OF AGENCIES

ARTICLE 1. GENERAL PROVISIONS

Sec.
41-2351. Purpose.
41-2352. Definitions.
41-2353. Joint legislative oversight committee; composition; meetings; duties, sunset review reports; subpoena powers.
41-2354. Committees of reference; membership; sunset review reports; hearings; guidelines; recommendations; subpoena powers.

ARTICLE 2. TERMINATION OF AGENCIES

41-2361. Schedule for termination July 1, 1980.
41-2361.01 Schedule for termination on July 1, 1981.
41-2362. Schedule for termination July 1, 1982.
41-2363. Schedule for termination July 1, 1984.
41-2363.01 Schedule for termination July 1, 1985.
41-2364. Schedule for termination July 1, 1986.
41-2365. Schedule for termination July 1, 1988.
41-2366. Schedule for termination July 1, 1990.
41-2367. Schedule for termination July 1, 1992.
41-2368. Schedule for termination July 1, 1994.
41-2368.01 Schedule for termination July 1, 1996.
41-2369. Schedule for termination of statutes January 1, 1981.
41-2369.01 Schedule for termination of statutes January 1, 1982.
41-2370. Schedule for termination of statutes January 1, 1983.
41-2371. Schedule for termination of statutes January 1, 1985.
41-2371.01 Schedule for termination of statutes January 1, 1986.
41-2372. Schedule for termination of statutes January 1, 1987.
41-2373. Schedule for termination of statutes January 1, 1989.
41-2374. Schedule for termination of statutes January 1, 1991.
41-2375. Schedule for termination of statutes January 1, 1993.
41-2376. Schedule for termination of statutes January 1, 1995.
41-2376.01 Schedule for termination of statutes January 1, 1997.
41-2377. Termination of state agencies; continuation.
41-2378. Termination period for agencies; funds; equipment; personnel; documents; bonds.
41-2379. Claims.

Chapter 20, consisting of Article 1, §§ 41-2351 to 41-2354, and Article 2, §§ 41-2361 to 41-2374, was added by Laws 1978, Ch. 210, § 1, effective September 3, 1978, as Chapter 18, consisting of Article 1, §§ 41-2251 to 41-2254, and Article 2, §§ 41-2261 to 41-2265. Chapter 18 was transferred for placement as this chapter.

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of §§ 41-2351 to 41-2354, contains the provisions of Chapter 18, Article 1, §§ 41-2251 to 41-2254, as added by Laws 1978, Ch. 210, § 1, effective September 3, 1978, and as transferred for placement as this article and renumbered.

1978 Reviser's Notes:

Pursuant to authority of section 41-1304.02, material added as chapter 18 of title 41 of Arizona Revised Statutes by Laws 1978, chapter 210, sec. 1 and consisting of sections 41-2251 through 41-2254 and sections 41-2261 through 41-2265 was placed as chapter 20, with new section numbers 41-2351 through 41-2354 and 41-2361 through 41-2374.

§ 41-2351. Purpose

A. The Arizona legislature finds that state government actions have caused an increase in the number of agencies, departments, boards, commissions, institutions and programs of this state and that the process has developed without sufficient legislative oversight. Furthermore, the legislature finds that state government should be continually reviewed and revised in response to the developing needs of the public. In addition, the legislature finds that programs are perpetuated without periodic and systematic reappraisal of their achievements as compared to their original objectives. The legislature concludes that by establishing a system for the termination, study, review, continuation or reestablishment of such agencies, it will be in a better position to evaluate the need for the continued existence of current and future agencies, departments, boards, commissions, institutions and programs of this state.

B. It is the intention of the legislature:

1. To establish an orderly schedule for the termination of existing state agencies, departments, boards, commissions, institutions and programs and to make provisions for legislative review to enable the legislature to have the benefit of recommendations for the continuation of those state agencies, departments, boards, commissions, institutions and programs which are deemed to be essential for the necessary and efficient operation of government.

2. That the sunset review of an existing state agency, department, program, board or advisory council or committee means the sunset review of the powers and duties exercised by such state agency, department, program, board or advisory council or committee.

3. That any amendment of the enabling authority for an agency, department, program, board or advisory council or committee subject to sunset review be in accordance with this chapter. Added as 41-2251 by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2351. Amended Laws 1979, Ch. 132, § 1.

1978 Reviser's Note:

The above section was added by Laws 1978, Ch. 210, sec. 1 as section 41-2251 and was renumbered as section 41-2351 pursuant to authority of section 41-1304.02.

§ 41-2352. Definitions

Text of section effective until January 1, 1981

In this chapter, unless the context otherwise requires:

1. "Agency" means any department, office, agency, commission, board or other instrumentality of this state specified in §§ 41-2361 through 41-2368 regardless of whether moneys are appropriated to such board.

2. "Committee of reference" means a joint subcommittee composed of the members of the appropriate standing committees of the house of representatives and senate which is appointed for the purpose of evaluating agencies subject to termination pursuant to this chapter.

3. "Oversight committee" means the joint legislative oversight committee.

4. "Sunset review" means a systematic evaluation by the oversight committee with the assistance of the committee of reference, appropriate agency, joint legislative budget committee, auditor general and support staff to determine if the merits of the program justify its continuation rather than termination, or its continuation at a level less than or greater than the existing level. Such review shall be undertaken in the scope and detail the oversight committee deems appropriate and shall include, without limitation, whether there is a need for the program in state government and, if so, an assessment of the degree to which the original objectives of the program have been achieved expressed in terms of the performance, impact or accomplishments of the program and of the situation it was intended to address. Such review shall be coordinated with the performance audit procedures of the auditor general as set forth in chapter 7, article 10.1, of this title.[1]

5. "Terminate" or "termination" means the date provided for termination of legislative authority for the existence of a particular agency pursuant to article 2[2] of this chapter. Added as § 41-2252 by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2352.

---

[1] Section 41-1279 et seq.

[2] Section 41-2361 et seq.

For text of section effective January 1, 1981, see § 41-2352, post.

§ 41-2352. Definitions

Text of section effective January 1, 1981

In this chapter, unless the context otherwise requires:

1. "Agency" means any department, office, agency, commission, board or other instrumentality of this state specified in §§ 41-2361 through 41-2368.01 regardless of whether moneys are appropriated to such board.

2. "Committee of reference" means a joint subcommittee composed of the members of the appropriate standing committees of the house of representatives and senate which is appointed for the purpose of evaluating agencies subject to termination pursuant to this chapter.

3. "Oversight committee" means the joint legislative oversight committee.

4. "Sunset review" means a systematic evaluation by the committee of reference under the supervision of the oversight committee, with the assistance of the appropriate agency, joint legislative budget committee, auditor general and support staff to determine if the merits of the program justify its continuation rather than termination, or its continuation at a level less than or greater than the existing level. Such review shall be undertaken in the scope and detail the committee of reference deems appropriate and shall include, without limitation, whether there is a need for the program in state government and, if so, an assessment of the degree to which the original objectives of the program have been achieved expressed in terms of the performance, impact or accomplishments of the program and of the situation it was intended to address.

Such review shall be coordinated with the performance audit procedures of the auditor general as set forth in chapter 7, article 10.1 of this title.[1]

5. "Terminate" or "termination" means the date provided for termination of legislative authority for the existence of a particular agency pursuant to article 2 of this chapter.[2] Added as § 41-2252 by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2352. As amended Laws 1980, Ch. 232, § 1, eff. Jan. 1, 1981.

For text of section effective until January 1, 1981, see § 41-2352, ante.

Laws 1980, Ch. 232, § 22 provides:

"The provisions of this act shall become effective on January 1, 1981."

1978 Reviser's Note:

The above section was added by Laws 1978, Ch. 210, sec. 1 as section 41-2252 and was renumbered as section 41-2352 pursuant to authority of section 41-1304.02; additionally, a change was made in reference numbers to conform to this renumbering.

Library references: Words and Phrases (Perm. Ed.)

§ 41-2353. Joint legislative oversight committee; composition; meetings; duties; sunset review reports; subpoena powers

Text of section effective until January 1, 1981

A. There is established the joint legislative oversight committee, which shall consist of twelve members, including the president of the senate and the speaker of the house of representatives who shall serve ex officio, without the right to vote. The president of the senate and the speaker of the house of representatives shall each appoint five members from their respective houses to serve on the oversight committee. Not more than three appointees of each house shall be of the same political party.

B. The president and the speaker shall designate one of their appointed members as chairman of their respective delegation. The chairman of the oversight committee shall serve for the term of each legislature. The chairmanship of the oversight committee shall alternate between the chairman of the senate delegation and the chairman of the house of representatives delegation beginning with the chairman of the senate delegation.

C. The joint legislative oversight committee shall meet as often as deemed necessary by the chairman of the committee.

D. The oversight committee shall designate the chairman of each committee of reference and shall assign agencies to the respective committees of reference according to subject matter.

E. The oversight committee shall initiate the sunset review not less than seventeen months prior to the termination date for each agency scheduled for termination pursuant to article 2 of this chapter.[1] The draft sunset review report shall be completed not less than eleven months prior to the date established by article 2 of this chapter for termination. Before such report is submitted, the state agency affected shall be given an opportunity to review the draft report and submit written comments or rebuttal which shall be included in the preliminary sunset review report. The agency shall have not more than forty calendar days to review the draft report for comment or rebuttal. The preliminary sunset review report shall be submitted to the governor, to each member of the oversight committee, committee of reference and to the affected agency by September 15 of the year prior to the scheduled termination date of the agency.

F. The oversight committee shall be responsible for drafting legislation as necessary to implement the recommendation of the committee of reference.

G. The oversight committee shall have the power of legislative subpoena pursuant to chapter 7, article 4 of this title.[2] Added as 41-2253 by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2353. As amended Laws 1979, Ch. 132, § 2.

[1] Section 41-2261 et seq.

[2] Section 41-1151 et seq.

For text of section effective January 1, 1981, see § 41-2352, post.

§ 41-2353. Joint legislative oversight committee; composition; meetings; duties; sunset review reports; subpoena powers; regulations

Text of section effective January 1, 1981

A. There is established the joint legislative oversight committee, which shall consist of twelve members, including the president of the senate and the speaker of the house of representatives who shall serve ex officio, without the right to vote. The president of the senate and the speaker of the house of representatives shall each appoint five members from their respective houses to serve on the oversight committee. Not more than three appointees of each house shall be of the same political party.

B. The president and the speaker shall designate one of their appointed members as chairman of their respective delegation. The chairman of the oversight committee shall serve for the term of each legislature. The chairmanship of the oversight committee shall alternate between the chairman of the senate delegation and the chairman of the house of representatives delegation beginning with the chairman of the senate delegation.

C. The joint legislative oversight committee shall meet as often as deemed necessary by the chairman of the committee.

D. The oversight committee shall designate the chairman of each committee of reference and shall assign agencies to the respective committees of reference according to subject matter.

E. The oversight committee shall initiate the sunset review not less than seventeen months prior to the termination date for each agency scheduled for termination pursuant to article 2 of this chapter.[1] The draft sunset review report shall be completed not kess than eleven months prior to the date established by article 2 of this chapter for termination. Before such report is submitted, the state agency affected shall be given an opportunity to review the draft report and submit written comments or rebuttal which shall be included in the preliminary sunset review report. The agency shall have not more than forty calendar days to review the draft report for comment or rebuttal. The preliminary sunset review report shall be submitted to the governor, to each member of the oversight committee, committee of reference and to the affected agency by October 1 of the year prior to the scheduled termination date of the agency.

F. The oversight committee shall have the power of legislative subpoena pursuant to chapter 7, article 4 of this title.[2] Added as § 41-2253 by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2353. As amended Laws 1979, Ch. 132, § 2; Laws 1980, Ch. 232, § 2, eff. Jan. 1, 1981.

[1] Section 41-2261 et seq.

[2] Section 41-1151 et seq.

For text of section effective until January 1, 1981, see §41-2353, ante.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

Reviser's Notes:

1978 Note. The above section was added by Laws 1978, Ch. 210, sec. 1 as section 41-2253 and was renumbered as section 41-2353 pursuant to authority of section 41-1304.02.

1979 Note. Pursuant to authority of section 41-1304.02 in the section heading "reports" was substituted for "report" and in subsection G "chapter 7, article 4 of this title" was substituted for "title 41, chapter 7, article 4".

§ 41-2354. Committees of reference; membership; sunset review reports; hearings; guidelines; recommendations; subpoena powers

Text of section effective until January 1, 1981

A. Each standing committee of both legislative houses shall appoint a subcommittee of five members. Not more than three appointees of each house shall be of the same political party. The subcommittees shall jointly constitute a committee of reference in their respective subject matter areas.

B. After receipt of the preliminary sunset review report, the committee of reference shall hold at least one public hearing to receive testimony from the public and from the officials of the agency involved.

C. The committee of reference shall hold public hearings for the following purposes:

1. To determine the actual need of the agency to regulate or direct the particular activity.

2. To determine the extent to which the statutory requirements of the agency are necessary and are being met.

3. To receive testimony from the public as to the relationship of the agency with the public.

4. To receive testimony from the executive director or other head of the agency as to reasons for the continuation of the agency.

D. The committee of reference shall consider but not be limited to the following factors in determining the need for continuation or termination of each agency:

1. The objective and purpose in establishing the agency.

2. The degree to which the agency has been able to respond to the needs of the public and the efficiency with which it has operated.

3. The extent to which the agency has operated within the public interest.

4. The extent to which rules and regulations promulgated by the agency are consistent with the legislative mandate.

5. The extent to which the agency has encouraged input from the public before promulgating its rules and regulations and the extent to which it has informed the public as to its actions and their expected impact on the public.

6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction.

7. The extent to which the attorney general or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.

8. The extent to which agencies have addressed deficiencies in their enabling statutes which prevent them from fulfilling their statutory mandate.

9. The extent to which changes are necessary in the laws of the agency to adequately comply with the factors listed in this subsection.

E. The committee of reference shall deliver the final sunset review report of its recommendations to the oversight committee by December 1. Such recommendations shall include one of the following:

1. That the state agency be continued.

2. That the state agency be revised or consolidated.

3. That the state agency be terminated pursuant to this chapter.

F. The final sunset review report by the committee of reference shall also include:

1. An identification of the problem or the needs that the agency is intended to address.

2. A statement, to the extent practicable, in quantitative and qualitative terms, of the objectives of such agency and its anticipated accomplishments.

3. An identification of any other agencies having similar, conflicting or duplicate objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.

4. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.

G. If an agency is continued, it is not necessary to reappoint any member of the governing board or commission of the agency. Such members are eligible to complete their original terms without reappointment or reconfirmation.

H. Each committee of reference shall have the power of legislative subpoena pursuant to chapter 7, article 4 of this title.[1] Added as § 41-2254 by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2354. As amended Laws 1979, Ch. 132, § 3.

[1] Section 41-1151 et seq.

For text of section effective January 1, 1981, see § 41-2354, post.

§ 41-2354. Committees of reference; membership; sunset review reports; hearings; guidelines; recommendations; subpoena powers

Text of section effective January 1, 1981

A. Each standing committee of both legislative houses shall appoint a subcommittee of five members. Not more than three appointees of each house shall be of the same political party. The subcommittees shall jointly constitute a committee of reference in their respective subject matter areas.

B. After receipt of the preliminary sunset review report, the committee of reference shall hold at least one public hearing to receive testimony from the public and from the officials of the agency involved.

C. The committee of reference shall hold public hearings for the following purposes:

1. To determine the actual need of the agency to regulate or direct the particular activity.

2. To determine the extent to which the statutory requirements of the agency are necessary and are being met.

3. To receive testimony from the public as to the relationship of the agency with the public.

4. To receive testimony from the executive director or other head of the agency as to reasons for the continuation of the agency.

D. The committee of reference shall consider but not be limited to the following factors in determining the need for continuation or termination of each agency.

1. The objective and purpose in establishing the agency.

2. The degree to which the agency has been able to respond to the needs of the public and the efficiency with which it has operated.

3. The extent to which the agency has operated within the public interest.

4. The extent to which rules and regulations promulgated by the agency are consistent with the legislative mandate.

5. The extent to which the agency has encouraged input from the public before promulgating its rules and regulations and the extent to which it has informed the public as to its actions and their expected impact on the public.

6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction.

7. The extent to which the attorney general or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.

8. The extent to which agencies have addressed deficiencies in their enabling statutes which prevent them from fulfilling their statutory mandate.

9. The extent to which changes are necessary in the laws of the agency to adequately comply with the factors listed in this subsection.

E. The committee of reference shall deliver the final sunset review report of its recommendations to the oversight committee and the president of the senate and the speaker of the house of representatives by December 1. Such recommendations shall include one of the following:

1. That the state agency be continued.

2. That the state agency be revised or consolidated.

3. That the state agency be terminated pursuant to this chapter.

F. The final sunset review report by the committee of reference shall also include:

1. An identification of the problem or the needs that the agency is intended to address.

2. A statement, to the extent practicable, in quantitative and qualitative terms, of the objectives of such agency and its anticipated accomplishments.

3. An identification of any other agencies having similar, conflicting or duplicate objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.

4. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.

G. The committee of reference shall oversee the preparation of any proposed legislation to implement its recommendations and is responsible for the introduction of such legislation.

H. The committee of reference shall send copies of the final sunset review report to the governor, the auditor general and the affected state agency.

I. If an agency is continued, it is not necessary to reappoint any member of the governing board or commission of the agency. Such members are eligible to complete their original terms without reappointment or reconfirmation.

J. Each committee of reference shall have the power of legislative subpoena pursuant to chapter 7, article 4 of this title.[1] Added as §2254 by Laws 1978, Ch. 210, §1. Renumbered as §41-2354. As amended Laws 1979, Ch. 132, §3; Laws 1980, Ch. 232, §3, eff. Jan. 1, 1981.

[1] Section 41-1151 et seq.

For text of section effective until January 1, 1981, see §41-2354, ante.

For effective date provision of Laws 1980, Ch. 232, see note following §41-2352.

Laws 1980, Ch. 250, §24, subsec. B, effective April 26, 1980, provides:

"B. The sunset review of the state board of technical registration shall consider in particular whether the board has:

"1. Established an aggressive peer review program working in conjunction with the various building safety departments throughout this state.

"2. Informed the public and registrants of its oversight responsibilities and the results of its disciplinary actions.

"3. Improved the documentation of its decision-making process to allow for a thorough, independent qualitative evaluation of the process.

"4. Adopted methods to encourage public input and participation in the promulgation of rules and regulations, the development of legislative proposals and other decision-making processes of the board."

Reviser's Notes:

1978 Note. The above section was added by Laws 1978, Ch. 210, sec. 1 as section 41-2254 and was renumbered as section 41-2354 pursuant to authority of section 41-1304.02.

1979 Note. Pursuant to authority of section 41-1304.02, in the section heading "reports" was substituted for "report" and in subsection H "chapter 7, article 4 of this title" was substituted for "title 41, chapter 7, article 4".

ARTICLE 2. TERMINATION OF AGENCIES

Article 2, consisting of §§41-2361 to 41-2374, contains the provisions of Chapter 18, Article 2, §§41-2261 to 41-2265, as added by Laws 1978, Ch. 210, §1, effective September 3, 1978, and as transferred for placement as this article and renumbered.

§ 41-2361. Schedule for termination July 1, 1980

The following agencies shall terminate on July 1, 1980:

1. The collection agencies advisory committee.
2. The economic planning and development board.
3. The ethics board. Added Laws 1980, 3rd S.S., Ch. 1, § 17, eff. June 12, 1980.

Former § 41-2361, repealed by Laws 1980, 3rd S.S., Ch. 1, § 16, effective June 12, 1980, was derived from:

Laws 1978, Ch. 210, § 1
Laws 1979, Ch. 132, § 4
Laws 1980, Ch. 60, § 2
Laws 1980, Ch. 102, § 17
Laws 1980, Ch. 135, § 13
Laws 1980, Ch. 150, § 2
Laws 1980, Ch. 175, § 13
Laws 1980, Ch. 197, § 11
Laws 1980, Ch. 230, § 2
Laws 1980, Ch. 232, § 4
Laws 1980, Ch. 245, § 19
Laws 1980, Ch. 248, § 7
Laws 1980, Ch. 250, § 20.

See, now, this section.

Laws 1980, Ch. 60, § 7 provides:

"This act is effective retroactively to July 1, 1980."

Laws 1980, Ch. 102, § 21, effective July 1, 1980, provided:

"Any actions taken by the state board of psychologist examiners pursuant to the provisions of this act and Title 32, chapter 19.1, Arizona Revised Statutes, are authorized as if the board was not subject to sunset termination as provided in § 41-2361, Arizona Revised Statutes."

Laws 1980, Ch. 135, § 17 provided:

"*Sec. 17. Effect of sunset of registrar of contractors*

"If the registrar of contractors is terminated pursuant to §§ 41-2361 and 41-2369, Arizona Revised Statutes, the division of mobile and manufactured housing standards shall nevertheless be continued pursuant to this act as a separate agency and shall continue to exercise its powers and duties and shall also succeed to the powers and duties of the registrar of contractors which relate to its functions. The governor shall fill the vacancy created on the state board of mobile and manufactured housing by the termination of the office of the registrar of contractors."

Laws 1980, Ch. 150, § 9, eff. July 1, 1980 provided:

Sec. 9. Retroactivity

"The provisions of this act are effective retroactively to July 1, 1980."

Laws 1980, Ch. 230, § 11 provided:

"This act is effective retroactively to July 1, 1980."

Laws 1980, Ch. 245, § 23 provided:

"Any action taken by the agriculture and horticulture commission, activities and functions of the state entomologist and state chemist and activities related to the fruit and vegetable standardization program pursuant to this act or title 3, Arizona Revised Statutes, are authorized as if they were not subject to termination under § 41-2361, Arizona Revised Statutes."

Reviser's Notes:

1978 Note. Former § 41-2361 was added by Laws 1978. Ch. 210, sec. 1 as subsection A of section 41-2261 and was renumbered as section 41-2361 pursuant to authority of section 41-1304.02. Additionally, in the heading, "July 1, 1980" was inserted after the word "termination", and the designation of subsection A was omitted.

1979 Note. Pursuant to authority of section 41-1304.02, the words "for the department" following "Arizona" were transposed to follow the word "authority" in subsection B of former § 41-2361.

Cross References

Agency defined, see § 41-2252.
Continuation of agencies scheduled to terminate, see § 41-2263.

§ 41-2361.01. Schedule for termination on July 1, 1981

The registrar of contractors agency shall expire on July 1, 1981. Added laws 1980, 3rd S.S., Ch. 1, § 18, eff. June 12, 1980.

Laws 1980, 3rd S.S., Ch. 1, § 22 provides:

"*Sec. 22. Exemption of registrar of contractors agency 1981 termination from the sunset review process*

"The provisions of sections 41-2353 and 41-2354, Arizona Revised Statutes, as added by Laws 1978, chapter 210, § 1, shall not apply to §§ 41-2361.01 and 41-2369.01, Arizona Revised Statutes, as added by this act."

§ 41-2362. Schedule for termination July 1, 1982

The following agencies shall terminate on July 1, 1982:

1. The state board of chiropractic examiners.
2. The board of medical examiners.
3. The state naturopathic board of examiners.
4. The Arizona board of osteopathic examiners in medicine and surgery.
5. The state board of podiatry examiners.
6. The state real estate department.
7. The state board of dispensing opticians.
8. The Arizona state veterinary medical examining board.
9. The state board of nursing.
10. The commission on the arts and humanities.
11. The Arizona state athletic commission.
12. The department of administration.
13. The state egg inspection board.
14. The agricultural employment relations board.
15. The mobile and manufactured housing standards board and the licensing and regulation activities within the division of mobile and manufactured housing standards.
16. The state board of technical registration. Added as § 41-2261, subsec. B, by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2362. As amended Laws 1980, Ch. 60, § 3, eff. July 1, 1980; Laws 1980, Ch. 135, § 14, eff. July 1, 1981; Laws 1980, Ch. 206, § 35; Laws 1980, Ch. 250, § 21, eff. April 26, 1980.

For effective date of Laws 1980, Ch. 250, see note following § 32-101.

For retroactivity provision of Laws 1980, Ch. 60, see note following § 41-2361.

Reviser's Notes:

1978 Note. The above section was added by Laws 1978. Ch. 210, sec. 1 as subsection B of section 41-2261 and was renumbered as section 41-2362 pursuant to authority of section 41-1304.02. The designation of subsection B was omitted and the section heading "Schedule for termination July 1, 1982" was added. In paragraph 2 the spelling of "examiners" was corrected as a correction of a manifest clerical error.

1980 Note. This section contains the amendments made by Laws 1980, chapter 60, section 3; chapter 135, section 14; chapter 206, section 35 and chapter 250, section 21 which were blended together as shown above pursuant to authority of section 41-1304.03.

§ 41-2363. Schedule for termination July 1, 1984

Text of section effective until January 1, 1981

The following agencies shall terminate on July 1, 1984:

1. The board of examiners of nursing care institution administrators.
2. The Arizona state board of pharmacy.

3. The board of physical therapy examiners.
4. The state board of barber examiners.
5. The state board of cosmetology.
6. The state board of funeral directors and embalmers.
7. The department of liquor licenses and control.
8. The board of pesticide control.
9. The structural pest control board.
10. The Arizona racing commission.
11. The state banking department.
12. The Arizona coliseum and exposition center board.
13. The department of emergency and military affairs.
14. The Arizona copper tariff board.
15. The dairy commissioner.
16. The Arizona drug control district. Added as § 41-2261, subsec. C by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2363.

For text of section effective January 1, 1981, sec. § 41-2363, post.

1978 Reviser's Note:

The above section was added by Laws 1978, Ch. 210, sec. 1 as subsection C of section 41-2261 and was renumbered as section 41-2363 pursuant to authority of section 41-1304.02. Additionally, the designation of subsection C was omitted and the section heading "Schedule for termination July 1, 1984" was added.

§ 41-2363. Schedule for termination July 1, 1984

Text of section effective January 1, 1981

The following agencies shall terminate on July 1, 1984:

1. The board of examiners of nursing care institution administrators.
2. The Arizona state board of pharmacy.
3. The board of physical therapy examiners.
4. The state board of barber examiners.
5. The state board of cosmetology.
6. The state board of funeral directors and embalmers.
7. The department of liquor licenses and control.
8. The board of pesticide control.
9. The structural pest control board.
10. The Arizona racing commission.
11. The state banking department.
12. The Arizona coliseum and exposition center board.
13. The department of emergency and military affairs.
14. The Arizona copper tariff board.
15. The dairy commissioner.
16. The Arizona drug control district.
17. The purchasing review board.
18. The housing finance review board. As amended Laws 1980, Ch. 232, § 5, eff. Jan. 1, 1981.

For text of section effective until January 1, 1981, see § 41-2363, ante.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

§ 41-2363.01. Schedule for termination July 1, 1985

The board of optometry shall be terminated effective July 1, 1985. Added Laws 1980, Ch. 248, § 8, eff. July 1, 1980.

1980 Reviser's Note:

Laws 1980, Ch. 248, which added section 41-2363.01 incorrectly referred in the title to its placement in Title 44.

Library References

States key 45.
C.J.S. States, §§ 79, 80, 82, 136.

§ 41-2364. Schedule for termination July 1, 1986

Text as amended by Laws 1980, Ch. 102, § 18, eff. July 1, 1980: Laws 1980, Ch. 150, § 3, eff. July 1, 1980: Laws 1980, Ch. 175, § 14, eff. July 1, 1980: Laws 1980, Ch. 197, § 12, eff. July 1, 1980: Laws 1980, Ch. 206, § 36, eff. July 31, 1980: Laws 1980, Ch. 230, § 3, eff. July 1, 1980: and Laws 1980, Ch. 245, § 20, eff. July 1, 1980.

The following agencies shall terminate on July 1, 1986:

1. The Arizona commission of Indian affairs.
2. The industrial commission.
3. The Arizona state justice planning agency.
4. The law enforcement merit system council.
5. The livestock sanitary board.
6. The occupational safety and health advisory committee.
7. The department of mineral resources.
8. The oil and gas conservation commission.
9. The Arizona outdoor recreation coordinating commission.
10. The state board of psychologist examiners.
11. The advisory council on aging.
12. The state board of accountancy.
13. The state dental board.
14. The radiation regulatory agency.
15. The radiation regulatory board.
16. Subject to subsection B, the state insurance department.
17. The agriculture and horticulture commission and the activities and functions of the state entomologist, the state chemist and those activities relating to fruit and vegetable standardization.

B. Termination of the insurance department is subject to approval by the voters of a constitutional amendment repealing the authority for the department pursuant to article XV, § 5, Constitution of Arizona. Added as § 41-2261, subsec. D by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2364. As amended Laws 1980, Ch. 102, § 18, eff. July 1, 1980: Laws 1980, Ch. 150, § 3, eff. July 1, 1980: Laws 1980, Ch. 175, § 14, eff. July 1, 1980: Laws 1980, Ch 197, § 12, eff. July 1, 1980: Laws 1980, Ch. 206, § 36, eff. July 31, 1980; Laws 1980, Ch. 230, § 3, eff. July 1, 1980: Laws 1980, Ch. 245, § 20, eff. July 1, 1980.

For text as amended by Laws 1980, Ch. 152, § 5, effective January 1, 1981, see § 41-2364, post.

For text as amended by Laws 1980, Ch. 232, § 6, effective January 1, 1981, see § 41-2364, post.

For text as amended by Laws 1980, Ch. 249, § 23, effective July 1, 1981, see § 41-2364, post.

For retroactivity provision of 1980, Ch. 245, see notes following § 3-101.
For retroactivity provision of Laws 1980, Ch. 175, see note following § 32-703.
For retroactivity provision of Laws 1980, Ch. 197, see note following § 32-1203.
For retroactivity provisions of Laws 1980, Ch. 102, see note following § 32-2061.

1980 Reviser's Note:

This section contains the amendments made by Laws 1980, chapter 102, section 18; chapter 150, section 3; chapter 175, section 14; chapter 197, section 12; chapter 206, section 36; chapter 230, section 3 and chapter 245, section 20 which were blended together as shown above pursuant to authority of section 41-1304.03.

§ 41-2364. Schedule for termination July 1, 1986

Text as amended by Laws 1980, Ch. 152, § 5, effective January 1, 1981.

The following agencies shall terminate on July 1, 1986:

1. The Arizona commission of Indian affairs.
2. The industrial commission.
3. The Arizona state justice planning agency.
4. The law enforcement merit system council.
5. The livestock sanitary board.
6. The occupational safety and health advisory committee.
7. The department of mineral resources.
8. The oil and gas conservation commission.
9. The Arizona outdoor recreation coordination commission.
10. The state agricultural laboratory. Added as § 41-2261, subsec. D by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2364. As amended Laws 1980, Ch. 152, § 5, eff. Jan. 1, 1981.

For text as amended by Laws 1980, Ch. 102, § 18, eff. July 1, 1980; Laws 1980, Ch. 150, § 3, eff. July 1, 1980; Laws 1980, Ch. 175, § 14, eff. July 1, 1980; Laws 1980, Ch. 197, § 12, eff. July 1, 1980; Laws 1980, Ch. 206, § 36, eff. July 31, 1980: Laws 1980, Ch. 230, § 3, eff. July 1, 1980; and Laws 1980, Ch. 245, § 20, eff. July 1, 1980, see § 41-2364, ante.

For text as amended by Laws 1980, Ch. 232, § 6, effective January 1, 1981, see § 41-2364, post.

For text as amended by Laws 1980, Ch. 249, § 23, effective July 1, 1981, see § 41-2364, post.

For effective date provision of Laws 1980, Ch. 152, see note following § 3-141.

§ 41-2364. Schedule for termination July 1, 1986

Text of section amended by Laws 1980, Ch. 232, § 6, effective January 1, 1981.

The following agencies shall terminate on July 1, 1986:

1. The Arizona commission of Indian affairs.
2. The industrial commission.
3. The Arizona state justice planning agency.
4. The law enforcement merit system council.
5. The livestock sanitary board.
6. The occupational safety and health advisory committee.
7. The department of mineral resources.
8. The oil and gas conservation commission.
9. The Arizona outdoor recreation coordinating commission.
10. The boiler advisory board.
11. The Arizona employment advisory council.
12. The occupational safety and health review board.
13. The state veterinarian.
14. The tax advisory council.
15. The department of revenue.

16. The state bar of Arizona. As amended Laws 1980, Ch. 232, § 6, eff. Jan. 1, 1981.

For text as amended by Laws 1980, Ch. 102, § 18, eff. July 1, 1980: Laws 1980, Ch. 150, § 3, eff. July 1, 1980; Laws 1980, Ch. 175, § 14, eff. July 1, 1980; Laws 1980, Ch. 197, § 12, eff. July 1, 1980; Laws 1980, Ch. 206, § 36, eff. July 31, 1980; Laws 1980, Ch. 230, § 3, eff. July 1, 1980; and Laws 1980, Ch. 245, § 20, eff. July 1, 1980, see § 41-2364, ante.

For text as amended by Laws 1980, Ch. 152, § 5, effective January 1, 1981, see § 41-2364, ante.

For text as amended by Laws 1980, Ch. 249, § 23, effective July 1, 1981, see § 41-2364, post.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

§ 41-2364. Schedule for termination July 1, 1986

Text of section as amended by Laws 1980, Ch. 249, § 23, effective July 1, 1981.

The following agencies shall terminate on July 1, 1986:

1. The Arizona commission of Indian affairs.
2. The industrial commission.
3. The Arizona state justice planning agency.
4. The law enforcement merit system council.
5. The livestock sanitary board.
6. The occupational safety and health advisory committee.
7. The department of mineral resources.
8. The oil and gas conservation commission.
9. The Arizona outdoor recreation coordinating commission.
10. The board of homeopathic medical examiners. As amended Laws 1980, Ch. 249, § 23, eff. July 1, 1981.

For text as amended by Laws 1980, Ch. 102, § 18, eff. July 1, 1980: Laws 1980, Ch. 150, § 3, eff. July 1, 1980; Laws 1980, Ch. 175, § 14, eff. July 1, 1980; Laws 1980, Ch. 197, § 12, eff. July 1, 1980; Laws 1980, Ch. 206, § 36, eff. July 31, 1980; Laws 1980, Ch. 230, § 3, eff. July 1, 1980; and Laws 1980, Ch. 245, § 20, eff. July 1, 1980, see § 41-2364, ante.

For text as amended by Laws 1980, Ch. 152, § 5, effective January 1, 1981, see § 41-2364, ante.

For text as amended by Laws 1980, Ch. 232, § 6, effective January 1, 1981, see § 41-2364, ante.

For effective date provision of Laws 1980. Ch. 249, see note following § 32-2901.

1978 Reviser's Note:

The above section was added by Laws 1978, Ch. 210, sec. 1 as subsection D of section 41-2261 and was renumbered as section 41-2364 pursuant to authority of section 41-1304.02. Additionally, the designation of subsection D was omitted and the section heading "Schedule for termination July 1, 1986" was added.

§ 41-2365. Schedule for termination July 1, 1988

Text of section effective until January 1, 1981

The following agencies shall terminate on July 1, 1988:

1. The department of transportation.

2. The state land department.
3. The Arizona state parks board.
4. The joint board of medical examiners and osteopathic examiners in medicine and surgery.
5. The medical radiologic technology board of examiners.
6. The western interstate commission for higher education. Added as § 41-2261, subsec. E by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2365.

For text of section effective January 1, 1981, see § 41-2365 post.

1978 Reviser's Note:

The above section was added by Laws 1978, Ch. 210, sec. 1 as subsection E of section 41-2261 and was renumbered as section 41-2365 pursuant to authority of section 41-1304.02. Additionally, the designation of subsection E was omitted and the section heading "Schedule for termination July 1, 1988" was added.

§ 41-2365. Schedule for termination July 1, 1988

Text of section effective January 1, 1981

The following agencies shall terminate on July 1, 1988:
1. The department of transportation.
2. The state land department.
3. The Arizona state parks board.
4. The joint board of medical examiners and osteopathic examiners in medicine and surgery.
5. The medical radiologic technology board of examiners.
6. The western interstate commission for higher education.
7. The agriculture prorate commissioner.
8. The Arizona beef council
9. The civil rights advisory board.
10. The state board of community college directors.
11. The pioneers home and the disabled miners hospital superintendent.
12. The comprehensive data systems policy board.
13. The Coronado international monument commission.
14. The deaf and blind school directors. Added as § 41-2261, subsec. E by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2365. As amended Laws 1980, Ch. 232, § 7, eff. Jan. 1, 1981.

For text of section effective until January 1, 1981, see § 41-2365, ante.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

§ 41-2366. Schedule for termination July 1, 1990

Text as amended by Laws 1980, 4th S.S., Ch. 1, § 25, effective June 12, 1980.

The following agencies shall terminate on July 1, 1990:
1. The department of health services.
2. The solar energy commission.
3. The state board of tax appeals.
4. The Arizona commission on uniform state laws.
5. The Arizona water commission.
6. The air pollution control hearing board.
7. The day care advisory board.

8. The Arizona council for the deaf.
9. The water quality control council.
10. The feed advisory council.
11. The state community development council.
12. The compensation fund board and board of directors, including the compensation fund investment committee and the compensation fund manager.
13. The state board of deposit.
14. The department of library, archives, and public records, including the activities and functions of the library and archives board and director and the historical advisory commission and the board of library examiners.
15. The joint legislative budget committee.
16. The state auditor general.
17. The legislative council.
18. The joint legislative tax committee.
19. The department of water resouces. Added as § 41-2261, subsec. F by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2366. As amended Laws 1979, Ch. 48. § 5; Laws 1980, 4th S.S., Ch. 1, § 25, eff. June 12, 1980.

For text of section as amended by Laws 1980, Ch. 232 § 8, see §§ 41-2366, post.

§ 41-2366. Schedule for termination July 1, 1990

Text of section as amended by Laws 1980, Ch. 232, § 8, effective January 1, 1981.

The following agencies shall terminate on July 1, 1990:
1. The department of health services.
2. The solar energy commission.
3. The state board of tax appeals.
4. The Arizona commission on uniform state laws.
5. The Arizona water commission.
6. The air pollution control hearing board.
7. The day care advisory board.
8. The Arizona council for the deaf.
9. The water quality control council.
10. The feed advisory council.[1]
11. The state community development council.
12. The compensation fund board and board of directors, including the compensation fund investment committee and the compensation fund manager.
13. The State board of deposit.
14. The department of library, archives, and public records, including the activities and functions of the library and archives board and director and the historical advisory commission and the board of library examiners.
15. The joint legislative budget committee.
16. The state auditor general.
17. The legislative council.
18. The joint legislative tax committee. Added as § 41-2261, subsec. F by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2366. As amended Laws 1979, Ch. 48, § 5; Laws 1980, Ch. 232, § 8, eff. Jan. 1, 1981.

[1] So in original. Probably should read "committee".

For text of section as amended by Laws 1980, 4th S.S. Ch. 1, §25, see §41-2366, ante.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

1978 Reviser's Note:

The above section was added by Laws 1978. Ch. 210, sec. 1 as subsection F of section 41-2261 and was renumbered as section 41-2366 pursuant to authority of section 41-1304.02. Additionally, the designation of subsection F was omitted and the section heading "Schedule for termination July 1, 1990" was added.

§41-2367. Schedule for termination July 1, 1992

Text of section effective until January 1, 1981

The following agencies shall terminate on July 1, 1992:

1. The department of public safety.
2. The state department of corrections.
3. The board of pardons and paroles. Added as § 41-2261, subsec. G by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2367.

For text of section effective January 1, 1981, see §41-2367, post.

1978 Reviser's Note:

The above section was added by Laws 1978. Ch. 210, sec. 1 as subsection G of section 41-2261 and was renumbered as section 41-2367 pursuant to authority of section 41-1304.02. Additionally, the designation of subsection G was omitted and the section heading "Schedule for termination July 1, 1992" was added.

§ 41-2367. Schedule for termination July 1, 1992

Text of section effective January 1, 1981

The following agencies shall terminate on July 1, 1992:

1. The department of public safety.
2. The state department of corrections.
3. The board of pardons and paroles.
4. The polygraph examiners advisory board.
5. The Arizona game and fish department, the Arizona game and fish commission and game and fish director.
6. The geology and mineral technology bureau and director.
7. The Arizona board of regents.
8. The watercraft advisory council.
9. The Colorado river boundary commission. Added as § 41-2261, subsec. G by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2367. As amended Laws 1980, Ch. 232, § 9, eff. Jan. 1, 1981.

For text of section effective until January 1, 1981, see §41-2367, ante.

For effective date provisions of Laws 1980, Ch. 232, see note following § 41-2352.

§41-2368. Schedule for terminations July 1, 1994

Text of section effective until January 1, 1981

The department of economic security shall be terminated effective July 1, 1994. Added as § 41-2261, subsec. H by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2668.

For text of section effective January 1, 1981, see § 41-2368, post.

1978 Reviser's Note:

The above section was added by Laws 1978, Ch. 210, sec. 1 as subsection H of section 41-2261 and was renumbered as section 41-2368 pursuant to authority of section 41-1304.02. Additionally, the designation of subsection H was omitted and the section heading "Schedule for termination July 1, 1994" was added.

§ 41-2368. Schedule for termination July 1, 1994

Text of section effective January 1, 1994:

The following agencies shall terminate on July 1, 1994:

1. The department of economic security.
2. The apprenticeship advisory council.
3. The blind and visually impaired advisory committee.
4. The fire advisory council.
5. The state fire marshall.
6. The mental retardation advisory council.
7. The veterans' service advisory council. As amended Laws 1980, Ch. 232, § 10, eff. Jan. 1, 1981.

For text of section effective until January 1, 1981, see § 41-2368, ante.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

§ 41-2368.01. Schedule for termination July 1, 1996

The following agencies shall terminate on July 1, 1996:

1. The office of tourism.
2. The state retirement system board and director and investment advisory council.
3. The public safety personnel retirement system board and the activities and functions of the public safety personnel retirement fund manager.
4. The health facilities authority and health facilities authority board.
5. The state foster care review board.
6. The Arizona historical society and the Prescott historical society.
7. The board of medical student loans.
8. The Arizona power authority commission.
9. The private technical and business schools board. Added Laws 1980, Ch. 232, § 11, eff. Jan. 1, 1981.

Effective January 1, 1981

For effective date provision of Laws 1980. Ch. 232, see note following § 41-2352.

§ 41-2369. Schedule for termination of statutes January 1, 1981

The following statutes are repealed on January 1, 1981:

1. Section 32-1002, Arizona Revised Statutes, to the extent that such section provides for a collection agency advisory committee.
2. Section 41-502, Arizona Revised Statutes, to the extent that such section provides for an advisory economic planning and development board.

3. Title 38, chapter 3.1, article 2,[1] Arizona Revised Statutes, relating to the ethics board. Added Laws 1980, 3rd S.S., Ch. 1, § 20, eff. June 12, 1980.

[1] Section 38-561 et seq.

Former § 41-2369, repealed by Laws 1980, 3rd S.C., Ch. 1, § 19, eff. June 12. 1980, was derived from:
Laws 1978, Ch. 210, § 1
Laws 1979, Ch. 132, § 5
Laws 1980, Ch. 60, § 4
Laws 1980, Ch. 102, § 19
Laws 1980, Ch. 135, § 15
Laws 1980, Ch. 150, § 4
Laws 1980, Ch. 175, § 15
Laws 1980, Ch. 197, § 13
Laws 1980, Ch. 230, § 4
Laws 1980, Ch. 232, § 12
Laws 1980, Ch. 245, § 21
Laws 1980, Ch. 248, § 9
Laws 1980, Ch. 250, § 2
See, now, this section.

1978 Reviser's Note:

The above section was added by Laws 1978. Ch. 210, sec. 1 as subsection A of section 41-2262 and was renumbered as section 41-2369 pursuant to authority of section 41-1304.02. Additionally, the designation of subsection A was omitted and in the heading "January 1, 1981" was inserted after "statutes".

§ 41-2369.01. Schedule for termination of statutes January 1, 1982

Title 32, chapter 10,[1] Arizona Revised Statutes, relating to contractors, is repealed on January 1, 1982. Added Laws 1980, 3rd S.S., Ch. 1, § 21, eff. June 12, 1980.

[1] Section 32-1101 et seq.

For provision of Laws 1980, 3rd S.S., Ch. 1 exempting registrar of contractors agency 1981 termination from the sunset review process, see italic note following § 41-2361.01.

§ 41-2370. Schedule for termination of statutes January 1, 1983

The following statutes are repealed on January 1, 1983:

1. Title 32, chapter 8,[1] Arizona Revised Statutes, relating to chiropractic.
2. Title 32, chapter 13,[2] Arizona Revised Statutes, relating to medicine and surgery.
3. Title 32, chapter 14,[3] Arizona Revised Statutes, relating to naturopathy.
4. Title 32, chapter 17,[4] Arizona Revised Statutes, relating to osteopathic physicians and surgeons.
5. Title 32, chapter 7,[5] Arizona Revised Statutes, relating to podiatry.
6. Title 32, chapter 20,[6] Arizona Revised Statutes, relating to real estate.
7. Title 32, chapter 15.1,[7] Arizona Revised Statutes, relating to dispensing opticians.
8. Title 32, chapter 21,[8] Arizona Revised Statutes, relating to veterinarians.
9. Title 32, chapter 15,[9] Arizona Revised Statutes, relating to nursing
10. Title 41, chapter 5, article 6,[10] Arizona Revised Statutes, relating to Arizona commission on the arts and humanities.

11. Title 5, chapter 2, article 2,[11] Arizona Revised Statutes, relating to the Arizona state athletic commission.

12. Title 41, chapter 4,[12] Arizona Revised Statutes, relating to the department of administration.

13. Title 3, chapter 5,[13] Arizona Revised Statutes, relating to the state egg inspection board.

14. Title 23, chapter 8, article 5,[14] Arizona Revised Statutes, relating to the agricultural employment relations board.

15. Title 32, chapter 10.1,[15] Arizona Revised Statutes, relating to the division of mobile and manufactured housing standards.

16. Title 32, chapter 1,[16] Arizona Revised Statutes, relating to architects, assayers, engineers, geologists, landscape architects and surveyors. Added as § 41-2262, subsec. B by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2370. As amended Laws 1980, Ch. 60, § 5, eff. July 1, 1980; Laws 1980, Ch. 135, § 16, eff. July 1, 1980; Laws 1980, Ch. 206, § 37: Laws 1980, Ch. 250, § 23, eff. April 26, 1980.

---

[1] Section 32-901 et seq.
[2] Section 32-1401 et seq.
[3] Section 32-1501 et seq.
[4] Section 32-1801 et seq.
[5] Section 32-801 et seq.
[6] Section 32-2101 et seq.
[7] Section 32-1671 et seq.
[8] Section 32-2201 et seq.
[9] Section 32-1601 et seq.
[10] Section 41-981 et seq.
[11] Section 5-221 et seq.
[12] Section 41-701 et seq.
[13] Section 3-701 et seq.
[14] Section 23-1381 et seq.
[15] Section 32-1171 et seq.
[16] Section 32-101 et seq.

For retroactivity provision of Laws 1980, Ch. 60, see note following § 41-2361.
For retroactivity provision of Laws 1980, Ch. 135, see note following § 28-1303.01.
For effective date of Laws 1980, Ch. 250, see note following § 32-101.

Reviser's Notes:

1978 Note. The above section was added by Laws 1978, Ch. 210, sec. 1 as subsection B of section 41-2262 and was renumbered as section 41-2370 pursuant to authority of section 41-1304.02. Additionally, the designation of subsection B was omitted and the section heading "Schedule for termination of statutes January 1, 1983" was added.

1980 Note. This section contains the amendments made by Laws 1980, chapter 60, section 5; chapter 135, section 16; chapter 206, section 37 and chapter 250, section 23 which were blended together as shown above pursuant to authority of section 41-1304.03.

§ 41-2371. Schedule for termination of statutes January 1, 1985

Text of section effective until January 1, 1981

The following statutes are repealed on January 1, 1985:

1. Title 36, chapter 4, article 6,[1] Arizona Revised Statutes, relating to licensing of nursing care institution administrators.

2. Title 32, chapter 18,[2] Arizona Revised Statutes, relating to pharmacy.

3. Title 32, chapter 19,[3] Arizona Revised Statutes, relating to physical therapy.

4. Title 32, chapter 3,[4] Arizona Revised Statutes, relating to barbering.

5. Title 32, chapter 5,[5] Arizona Revised Statutes, relating to cosmetology.

6. Title 32, chapter 12,[6] Arizona Revised Statutes, relating to funeral directors and embalmers.

7. Title 4,[7] Arizona Revised Statutes, relating to alcoholic beverages.

8. Title 3, chapter 2, article 6,[8] Arizona Revised Statutes, relating to application of pesticides.

9. Title 32, chapter 22,[9] Arizona Revised Statutes, relating to structural pest control.

10. Title 5, chapter 1,[10] Arizona Revised Statutes, relating to horse and dog racing.

11. Title 6,[11] Arizona Revised Statutes, relating to the state banking department.

12. Title 3, chapter 8, article 1,[12] Arizona Revised Statutes, relating to the Arizona coliseum and exposition center.

13. Title 26,[13] Arizona Revised Statutes, relating to military affairs and emergency services.

14. Title 27, chapter 1, article 5,[14] Arizona Revised Statutes, relating to the Arizona copper tariff board.

15. Title 3, chapter 4,[15] Arizona Revised Statutes, relating to dairies and dairying.

16. Title 41, chapter 16,[16] Arizona Revised Statutes, relating to the Arizona drug control district. Added as § 41-2262, subsec. C by Laws 1978, Ch. 210, § 1. Renumbered as § 2371. As amended Laws 1979, Ch. 132, § 7.

[1] Section 36-446 et seq.
[2] Section 32-1901 et seq.
[3] Section 32-2001 et seq.
[4] Section 32-301 et seq.
[5] Section 32-501 et seq.
[6] Section 32-1301 et seq.
[7] Section 4-101 et seq.
[8] Section 3-371 et seq.
[9] Section 32-2301 et seq.
[10] Section 5-101 et seq.
[11] Section 6-101 et seq.
[12] Section 3-1001 et seq.
[13] Section 26-101 et seq.
[14] Section 27-171 et seq.
[15] Section 3-601 et seq.
[16] Section 41-2151 et seq.

For text of section effective January 1, 1981, see § 41-2371, post.

1978 Reviser's Note:

The above section was added by Laws 1978, Ch. 210, sec. 1 as subsection C of section 41-2262 and was renumbered as section 41-2371 pursuant to authority of section 41-1304.02. Additionally, the designation of subsection C was omitted and the section heading "Schedule for termination of statutes January 1, 1985" was added.

§ 41-2371. Schedule for termination of statutes January 1, 1985

Text of section effective January 1, 1981

The following statutes are repealed on January 1, 1985:

1. Title 36, chapter 4, article 6,[1] Arizona Revised Statutes, relating to licensing of nursing care institution administrators.

2. Title 32, chapter 18,[2] Arizona Revised Statutes, relating to pharmacy.

3. Title 32, chapter 19,[3] Arizona Revised Statutes, relating to physical therapy.

4. Title 32, chapter 3,[4] Arizona Revised Statutes, relating to barbering.

5. Title 32, chapter 5,[5] Arizona Revised Statutes, relating to cosmetology.

6. Title 32, chapter 12,[6] Arizona Revised Statutes, relating to funeral directors and embalmers.

7. Title 4,[7] Arizona Revised Statutes, relating to alcoholic beverages.

8. Title 3, chapter 2, article 6,[8] Arizona Revised Statutes, relating to application of pesticides.

9. Title 32, chapter 22,[9] Arizona Revised Statutes, relating to structural pest control.

10. Title 5, chapter 1,[10] Arizona Revised Statutes, relating to horse and dog racing.

11. Title 6,[11] Arizona Revised Statutes, relating to the state banking department.

12. Title 3, chapter 8, article 1,[12] Arizona Revised Statutes, relating to the Arizona coliseum and exposition center.

13. Title 26,[13] Arizona Revised Statutes, relating to military affairs and emergency services.

14. Title 27, chapter 1, article 5,[14] Arizona Revised Statutes, relating to the Arizona copper tariff board.

15. Title 3, chapter 4,[15] Arizona Revised Statutes, relating to dairies and dairying.

16. Title 41, chapter 16,[16] Arizona Revised Statutes, relating to the Arizona drug control district.

17. Title 41, chapter 3, article 5.2,[17] Arizona Revised Statutes, relating to the purchasing review board.

18. Title 9, chapter 11, article 2,[18] Arizona Revised Statutes, relating to the housing finance review board. Added as § 41-2262, subsec. C by Laws 1978, Ch. 210, § 1. Renumbered as § 2371. As amended Laws 1980, Ch. 232, § 13, eff. Jan. 1, 1981.

[1] Section 36-446 et seq.
[2] Section 32-1901 et seq.
[3] Section 32-2001 et seq.
[4] Section 32-301 et seq.
[5] Section 32-501 et seq.
[6] Section 32-1301 et seq.
[7] Section 4-101 et seq.
[8] Section 3-371 et seq.
[9] Section 32-2301 et seq.
[10] Section 5-101 et seq.
[11] Section 6-101 et seq.
[12] Section 3-1001 et seq.
[13] Section 26-101 et seq.
[14] Section 27-171 et seq.
[15] Section 3-601 et seq.
[16] Section 41-2151 et seq.
[17] Section 41-581.01 et seq.
[18] Section 9-1171 et seq.

For text of section effective until January 1, 1981, see § 41-2371, ante.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

§ 41-2371.01. Schedule for termination of statutes January 1, 1986

Title 32, chapter 16,[1] Arizona Revised Statutes, relating to optometry, is repealed on January 1, 1986. Added Laws 1980, Ch. 248, § 10, eff. July 1, 1980.

[1] Section 32-1701 et seq.

1980 Reviser's Note:

Laws 1980, Ch. 248, which added 41-2371.01 incorrectly referred in the title to its placement in Title 44.

Library References

States ⇐ 45.
C.J.S. States §§ 79, 80, 82, 136.

§ 41-2372. Schedule for termination of statutes January 1, 1987

Text as amended by Laws 1980, Ch. 102, § 20, eff. July 1, 1980; Laws 1980. Ch. 150, § 5, eff. July 1, 1980; Laws 1980, Ch. 175, § 16, eff. July 1, 1980; Laws 1980, Ch. 197, § 14, eff. July 1, 1980; Laws 1980, Ch. 206, § 38, eff. July 31, 1980; Laws 1980, Ch. 230, § 5, eff. July 1, 1980; and Laws 1980, Ch. 245, § 22, eff. July 1, 1980.

The following statutes are repealed on January 1, 1987:

1. Title 41, chapter 3, article 4,[1] Arizona Revised Statutes, relating to the Indian affairs commission.
2. Title 23, chapter 1,[2] Arizona Revised Statutes, relating to the industrial commission.
3. Title 41, chapter 18,[3] Arizona Revised Statutes, relating to the Arizona state justice planning agency.
4. Title 28, chapter 2, article 2,[4] Arizona Revised Statutes, relating to the law enforcement merit system council.
5. Title 24, chapter 1, article 1,[5] Arizona Revised Statutes, relating to the livestock sanitary board.
6. Title 23, chapter 2, article 10,[6] Arizona Revised Statutes, relating to the occupational safety and health advisory committee.
7. Title 27, chapter 1, article 1,[7] Arizona Revised Statutes, relating to the department of mineral resources.
8. Title 27, chapter 4, article 1,[8] Arizona Revised Statutes, relating to the oil and gas conservation commission.
9. Title 41, chapter 3, article 1.2,[9] Arizona Revised Statutes, relating to the Arizona outdoor recreation coordinating commission.
10. Title 32, chapter 19.1,[10] Arizona Revised Statutes, relating to psychologists.
11. Title 46, chapter 1, article 7,[11] Arizona Revised Statutes, relating to the advisory council on aging.
12. Title 32, chapter 6,[12] Arizona Revised Statutes, relating to certified public accountants.
13. Title 32, chapter 11,[13] Arizona Revised Statutes, relating to the dental board.
14. Title 30, chapter 4,[14] Arizona Revised Statutes, relating to the radiation regulatory agency and the radiation regulatory board.
15. Title 20,[15] Arizona Revised Statutes, relating to insurance.
16. Title 3,[16] Arizona Revised Statutes, relating to various agricultural functions and the Arizona commission of agriculture and horticulture. Added Laws 1979, Ch. 132, § 10. As amended Laws 1980, Ch. 102, § 20, eff. July 1, 1980; Laws 1980, Ch. 150, § 5, eff. July 1, 1980, Laws 1980, Ch. 175, § 16, eff. July 1, 1980; Laws 1980, Ch. 197, § 14, eff. July 1, 1980; Laws 1980, Ch. 206, § 38; Laws 1980, Ch. 230, § 5, eff. July 1, 1980; Laws 1980, Ch. 245, § 22, eff. July 1, 1980.

[1] Section 41-541 et seq.
[2] Section 23-101 et seq.
[3] Section 41-2251 et seq.
[4] Section 28-231 et seq.
[5] Section 24-101 et seq.
[6] Section 23-401 et seq.
[7] Section 27-101 et seq.
[8] Section 27-501 et seq.
[9] Section 41-511 et seq.
[10] Section 32-2061 et seq.
[11] Section 46-181 et seq.
[12] Section 32-701 et seq.
[13] Section 32-1201 et seq.
[14] Section 30-651 et seq.
[15] Section 20-101 et seq.
[16] Section 3-101 et seq.

For text as amended by Laws 1980, Ch. 152, § 6, effective January 1, 1981, see § 41-2372, post.

For text as amended by Laws 1980, Ch. 232, § 14, effective January 1, 1981, see § 41-2372, post.

For text as amended by Laws 1980, Ch. 249, § 24, effective July 1, 1981, see § 41-2372, post.

For retroactivity provisions of Laws 1980. Ch. 102, see note following § 32-2061.
For retroactivity provision of Laws 1980. Ch. 175, see note following § 32-703.
For retroactivity provision of Laws 1980. Ch. 150 see note following § 41-2361.
For retroactivity provision of Laws 1980. Ch. 197, see note following § 32-1203.
For retroactivity provision of Laws 1980. Ch. 230, see note following § 41-2361.
For retroactivity provision of Laws 1980. Ch. 245, see notes following § 3-101.

1980 Reviser's Note:

This section contains the amendments made by Laws 1980, chapter 102, section 20; chapter 150, section 5; chapter 175, section 16; chapter 197, section 14; chapter 206, section 38; chapter 230, section 5 and chapter 245, section 22 which were blended together as shown above pursuant to authority of section 41-1304.03.

§ 41-2372. Schedule for termination of statutes January 1, 1987

Text as amended by Laws 1980, Ch. 152, § 6, eff. January 1, 1981.

The following statutes are repealed on January 1, 1987:

1. Title 41, chapter 3, article 4,[1] Arizona Revised Statutes, relating to the Arizona commission of Indian affairs.
2. Title 23, chapter 1,[2] Arizona Revised Statutes, relating to the industrial commission.
3. Title 41, chapter 18,[3] Arizona Revised Statutes, relating to the Arizona state justice planning agency.
4. Title 28, chapter 2, article 2,[4] Arizona Revised Statutes, relating to the law enforcement merit system council.
5. Title 24, chapter 1, article 1,[5] Arizona Revised Statutes, relating to the livestock sanitary board.
6. Title 23, chapter 2, article 10.[6] Arizona Revised Statutes, relating to the occupational safety and health advisory committee.
7. Title 27, chapter 1, article 1,[7] Arizona Revised Statutes, relating to the department of mineral resources.
8. Title 27, chapter 4, article 1,[8] Arizona Revised Statutes, relating to the oil and gas conservation commission.
9. Title 41, chapter 3, article 1.2,[9] Arizona Revised Statutes, relating to the Arizona outdoor recreation coordinating commission.

10. Title 3, chapter 1, article 4,[10] Arizona Revised Statutes, relating to the state agricultural laboratory. Added Laws 1979, Ch. 132, § 10. As amended Laws 1980, Ch. 152, § 6, eff. Jan. 1, 1981.

[1] Section 41-541 et seq.
[2] Section 23-101 et seq.
[3] Section 41-2251 et seq.
[4] Section 28-231 et seq.
[5] Section 24-101 et seq.
[6] Section 23-401 et seq.
[7] Section 27-101 et seq.
[8] Section 27-501 et seq.
[9] Section 41-511 et seq.
[10] Section 3-141 et seq.

For effective date provision of Laws 1980. Ch. 152, see note following § 3-141.

For text as amended by Laws 1980, Ch. 102, § 20, eff. July 1, 1980; Laws 1980, Ch. 150, § 5, eff. July 1, 1980; Laws 1980, Ch. 175, § 16, eff. July 1, 1980; Laws 1980, Ch. 197, § 14, eff. July 1, 1980; Laws 1980, Ch. 206, § 38, eff. July 31, 1980; Laws 1980, Ch. 230, § 5, eff. July 1, 1980; and Laws 1980, Ch. 245, § 22, eff. July 1, 1980, see § 41-2372, ante.

For text as amended by Laws 1980, Ch. 232, § 14, effective January 1, 1981, see § 41-2372, post.

For text as amended by Laws 1980, Ch. 249, § 24, effective July 1, 1981, see § 41-2372, post.

§ 41-2372. Schedule for termination of statutes January 1, 1987

Text of section as amended by Laws 1980, Ch. 232, § 14, effective January 1, 1981.

The following statutes are repealed on January 1, 1987:

1. Title 41, chapter 3, article 4,[1] Arizona Revised Statutes, relating to the Indian affairs commission.

2. Title 23, chapter 1,[2] Arizona Revised Statutes, relating to the industrial commission.

3. Title 41, chapter 18,[3] Arizona Revised Statutes, relating to the Arizona state justice planning agency.

4. Title 28, chapter 2, article 2,[4] Arizona Revised Statutes, relating to the law enforcement merit system council.

5. Title 24, chapter 1, article 1,[5] Arizona Revised Statutes, relating to the livestock sanitary board.

6. Title 23, chapter 2, article 10,[6] Arizona Revised Statutes, relating to the occupational safety and health advisory committee.

7. Title 27, chapter 1, article 1,[7] Arizona Revised Statutes, relating to the department of mineral resources.

8. Title 27, chapter 4, article 1,[8] Arizona Revised Statutes, relating to the oil and gas conservation commission.

9. Title 41, chapter 3, article 1.2,[9] Arizona Revised Statutes, relating to the Arizona outdoor recreation coordinating commission.

10. Title 23, chapter 2, article 11,[10] Arizona Revised Statutes, relating to the boiler advisory board.

11. Title 23, chapter 3, article 2,[11] Arizona Revised Statutes, relating to the Arizona employment advisory council.

12. Title 23, chapter 2, article 10,[12] Arizona Revised Statutes, relating to the occupational safety and health review board.

13. Title 24, chapter 1, article 3,[13] Arizona Revised Statutes, relating to the state veterinarian.

14. Title 42, chapter 1, article 1.1,[14] Arizona Revised Statutes, relating to the tax advisory council.

15. Title 42 and 43,[15] Arizona Revised Statutes, relating to the department of revenue.

16. Title 32, chapter 2, article 1,[16] Arizona Revised Statutes, relating to the state bar of Arizona. As amended Laws 1980, Ch. 232, § 14, eff. Jan. 1, 1981.

---

[1] Section 41-541 et seq.
[2] Section 23-101 et seq.
[3] Section 41-2251 et seq.
[4] Section 28-231 et seq.
[5] Section 24-101 et seq.
[6] Section 23-401 et seq.
[7] Section 27-101 et seq.
[8] Section 27-501 et seq.
[9] Section 41-511 et seq.
[10] Section 23-471 et seq.
[11] Section 23-521 et seq.
[12] Section 23-401 et seq.
[13] Section 24-151 et seq.
[14] Section 42-111 et seq.
[15] Sections 42-101 et seq., 43-101 et seq.
[16] Section 32-201 et seq.

For text as amended by Laws 1980, Ch. 102, § 20, eff. July 1, 1980; Laws 1980, Ch. 150, § 5, eff. July 1, 1980; Laws 1980, Ch. 175, § 16, eff. July 1, 1980; Laws 1980, Ch. 197, § 14, eff. July 1, 1980; Laws 1980, Ch. 206, § 38, eff. July 31, 1980; Laws 1980, Ch. 230, § 5, eff. July 1, 1980; and Laws 1980, Ch. 245, § 22, eff. July 1, 1980, see §41-2372, ante.

For text as amended by Laws 1980, Ch. 152, § 6, effective January 1, 1981, see § 41-2372, ante.

For text as amended by Laws 1980, Ch. 249, § 24, effective July 1, 1981, see § 41-2372, post.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

§ 41-2372. Schedule for termination of statutes January 1, 1987

Text as amended by Laws 1980, Ch. 249, § 24, effective July 1, 1981.

The following statutes are repealed on January 1, 1987:

1. Title 41, chapter 3, article 4,[1] Arizona Revised Statutes, relating to the Indian affairs commission.

2. Title 23, chapter 1,[2] Arizona Revised Statutes, relating to the industrial commission.

3. Title 41, chapter 18,[3] Arizona Revised Statutes, relating to the Arizona state justice planning agency.

4. Title 28, chapter 2, article 2,[4] Arizona Revised Statutes, relating to the law enforcement merit system council.

5. Title 24, chapter 1, article 1,[5] Arizona Revised Statutes, relating to the livestock sanitary board.

6. Title 23, chapter 2, article 10,[6] Arizona Revised Statutes, relating to the occupational safety and health advisory committee.

7. Title 27, chapter 1, article 1,[7] Arizona Revised Statutes, relating to the department of mineral resources.

8. Title 27, chapter 4, article 1,[8] Arizona Revised Statutes, relating to the oil and gas conservation commission.

9. Title 41, chapter 3, article 1.2,[9] Arizona Revised Statutes, relating to the Arizona outdoor recreation coordinating commission.

10. Title 32, chapter 29,[10] Arizona Revised Statutes, relating to the board of homeopathic medical examiners. As amended Laws 1980, Ch. 249, § 24, eff. July 1, 1981.

[1] Section 41-541 et seq.
[2] Section 23-101 et seq.
[3] Section 41-2251 et seq.
[4] Section 28-231 et seq.
[5] Section 24-101 et seq.
[6] Section 23-401 et seq.
[7] Section 27-101 et seq.
[8] Section 27-501 et seq.
[9] Section 41-511 et seq.
[10] Section 32-2901 et seq.

For text as amended by Laws 1980, Ch. 102, § 20, eff. July 1, 1980; Laws 1980, Ch. 150, § 5, eff. July 1, 1980; Laws 1980, Ch. 175, § 16, eff. July 1, 1980; Laws 1980, Ch. 197, § 14, eff. July 1, 1980; Laws 1980, Ch. 206, § 38, eff. July 31, 1980; Laws 1980, Ch. 230, § 5, eff. July 1, 1980; and Laws 1980, Ch. 245, § 22, eff. July 1, 1980, see § 41-2372, ante.

For text as amended by Laws 1980, Ch. 152, § 6, effective January 1, 1981, see § 41-2372, ante.

For text as amended by Laws 1980, Ch. 232, § 14, effective January 1, 1981, see § 41-2372, ante.

Former § 41-2372 was transferred and renumbered as § 41-2377.
For effective date provision of Laws 1980. Ch. 249, see note following § 32-2901.

§ 41-2373. Schedule for termination of statutes January 1, 1989

Text of section effective until January 1, 1981

The following statutes are repealed on January 1, 1989:

1. Title 28,[1] Arizona Revised Statutes, relating to the department of transportation.

2. Title 37, chapters 1 and 2,[2] Arizona Revised Statutes, relating to the state and land department.

3. Title 41, chapter 3, article 1.1,[3] Arizona Revised Statutes, relating to the Arizona state parks board.

4. Title 32, chapter 25,[4] Arizona Revised Statutes, relating to the joint board of medical examiners and osteopathic examiners in medicine and surgery.

5. Title 32, chapter 28,[5] Arizona Revised Statutes, relating to the medical radiologic technology board of examiners.

6. Title 15, chapter 7, article 4,[6] Arizona Revised Statutes, relating to the compact for western regional cooperation in higher education and the western interstate commission for higher education. Added Laws 1979, Ch. 132, § 10.

---

[1] Section 28-101 et seq.
[2] Sections 27-101 et seq., 27-201 et seq.
[3] Section 41-511 et seq.
[4] Section 32-2501 et seq.
[5] Section 32-2801 et seq.
[6] Section 15-761 et seq.

For text of section effective January 1, 1981, sec. §41-2373, post.

Former §41-2373 was transferred and renumbered as §41-2378.

§41-2373. Schedule for termination of statutes January 1, 1989

Text of section effective January 1, 1981

The following statutes are repealed on January 1, 1989:

1. Title 28,[1] Arizona Revised Statutes, relating to the department of transportation.
2. Title 37, chapters 1 and 2,[2] Arizona Revised Statutes, relating to the state and land department.
3. Title 41, chapter 3, article 1.1,[3] Arizona Revised Statutes, relating to the Arizona state parks board.
4. Title 32, chapter 25,[4] Arizona Revised Statutes, relating to the joint board of medical examiners and osteopathic examiners in medicine and surgery.
5. Title 32, chapter 28,[5] Arizona Revised Statutes, relating to the medical radiologic technology board of examiners.
6. Title 15, chapter 7, article 4,[6] Arizona Revised Statutes, relating to the compact for western regional cooperation in higher education and the western interstate commission for higher education.
7. Title 3, chapter 3, article 1,[7] Arizona Revised Statutes, relating to the agriculture prorate commissioner.
8. Title 24, chapter 1, article 4,[8] Arizona Revised Statutes, relating to the Arizona beef council.
9. Title 41, chapter 9, article 1,[9] relating to the civil rights advisory board.
10. Title 15, chapter 6.1, article 2,[10] Arizona Revised Statutes, relating to the state board of community college directors.
11. Title 41, chapter 5, articles 1 and 2,[11] Arizona Revised Statutes, relating to the pioneers home and the disabled miners hospital superintendent.
12. Title 41, chapter 17, article 1,[12] Arizona Revised Statutes, relating to the comprehensive data systems policy board.
13. Title 41, chapter 3, article 3,[13] Arizona Revised Statutes, relating to the Coronado international monument commission.
14. Title 15, chapter 8, article 2,[14] Arizona Revised Statutes, relating to the deaf and blind school directors. Added Laws 1979, Ch. 132, §10. As amended Laws 1980, Ch. 232, §15, eff. Jan. 1, 1981.

[1] Section 28-101 et seq.
[2] Sections 27-101 et seq., 27-201 et seq.
[3] Section 41-511 et seq.
[4] Section 32-2501 et seq.
[5] Section 32-2801 et seq.
[6] Section 15-761 et seq.
[7] Section 3-401 et seq.
[8] Section 24-161 et seq.
[9] Section 41-1401 et seq.
[10] Section 15-656 et seq.
[11] Sections 41-901 et seq., 41-921 et seq.
[12] Section 41-2201 et seq.
[13] Section 41-531 et seq.
[14] Section 15-811 et seq.

For text of section effective January 1, 1981, sec. §41-2373, ante.

For effective date provision of Laws 1980, Ch. 232, see note following §41-2352.

§ 41-2374. Schedule for termination of statutes January 1, 1991

Text as amended by Laws 1980, 4th S.S., Ch. 1, § 26, effective June 12, 1980.

The following statutes are repealed on January 1, 1991:

1. Title 36,[1] Arizona Revised Statutes, relating to the department of health services.
2. Title 41, chapter 3,[2] Arizona Revised Statutes, relating to the solar energy commission.
3. Title 42, chapter 1, article 3,[3] Arizona Revised Statutes, relating to the state board of tax appeals.
4. Sections 41-1306 and 41-1307, Arizona Revised Statutes, relating to the Arizona commission on uniform state laws.
5. Title 45, chapter 1, article 1.1,[4] Arizona Revised Statutes, relating to the Arizona water commission.
6. Title 36, chapter 14, article 1,[5] Arizona Revised Statutes, relating to the air pollution control hearing board.
7. Title 36, chapter 7.1, article 2,[6] Arizona Revised Statutes, relating to the care advisory board.
8. Title 36, chapter 17.1, article 1,[7] Arizona Revised Statutes, relating to the Arizona council for the deaf.
9. Title 36, chapter 16, article 1,[8] Arizona Revised Statutes, relating to the water quality control council.
10. Title 24, chapter 7, article 1,[9] Arizona Revised Statutes, relating to the feed advisory committee.
11. Title 11, chapter 5, article 2,[10] Arizona Revised Statutes, relating to the state community development council.
12. Title 23, chapter 6, article 5,[11] Arizona Revised Statutes, relating to the compensation fund board and board of directors, including the compensation fund investment committee and the compensation fund manager.
13. Title 35, chapter 2, article 2,[12] Arizona Revised Statutes, relating to the state board of deposit.
14. Title 11, chapter 7, article 1,[13] Arizona Revised Statutes, relating to the board of library examiners and title 41, chapter 8, article 3,[14] relating to the department of library, archives, and public records, including the activities and functions of the library and archives board, director and the historical advisory commission.
15. Title 41, chapter 7, article 10,[15] Arizona Revised Statutes, relating to the joint legislative budget committee.
16. Title 41, chapter 7, article 10.1 and 10.2,[16] Arizona Revised Statutes, relating to the state auditor general.
17. Title 41, chapter 8, article 1,[17] Arizona Revised Statutes, relating to the legislative council.
18. Title 41, chapter 8, article 2,[18] Arizona Revised Statutes, relating to the joint legislative tax committee.
19. Title 45, chapter 1, article 1 and chapter 2,[19] Arizona Revised Statutes, relating to the department of water resources. Added Laws 1979, Ch. 132, § 10. As amended Laws 1980, 4th S.S., Ch. 1, § 26, eff. June 12, 1980.

[1] Section 36-101 et seq.
[2] Section 41-591 et seq.
[3] Section 42-141 et seq.
[4] Section 45-501 et seq.
[5] Section 36-1700 et seq.

[6] Section 36-893 et seq.
[7] Section 36-1941 et seq.
[8] Section 36-1851 et seq.
[9] Section 24-901 et seq.
[10] Section 11-771 et seq.
[11] Section 23-981 et seq.
[12] Section 35-321 et seq.
[13] Section 11-901 et seq.
[14] Section 41-1331 et seq.
[15] Section 41-1271 et seq.
[16] Sections 41-1279 et seq., 41-1279.21 et seq.
[17] Section 41-1301 et seq.
[18] Section 41-1312 et seq.
[19] Sections 45-101 et seq., 45-501 et seq.

For impairment of obligations and nonseverability provisions of Laws 1980, 4th S.S., Ch. 1, effective June 12, 1980, see notes preceding § 45-401.

For text of section as amended by Laws 1980, Ch. 232, § 16, effective January 1, 1981, see § 41-2374, post.

§ 41-2374. Schedule for termination of statutes January 1, 1991

Text as amended by Laws 1980, Ch. 232, § 16, effective January 1, 1981.

The following statutes are repealed on January 1, 1991:

1. Title 36,[1] Arizona Revised Statutes, relating to the department of health services.

2. Title 41, chapter 3, article 6,[2] Arizona Revised Statutes, relating to the solar energy research commission.

3. Title 42, chapter 1, article 3,[3] Arizona Revised Statutes, relating to the state board of tax appeals.

4. Sections 41-1306 and 41-1307, Arizona Revised Statutes, relating to the Arizona commission on uniform state laws.

5. Title 45, chapter 2,[4] Arizona Revised Statutes, relating to the Arizona water commission.

6. Title 36, chapter 14, article 1,[5] Arizona Revised Statutes, relating to the air pollution control hearing board.

7. Title 36, chapter 7.1, article 2,[6] Arizona Revised Statutes, relating to the day care advisory board.

8. Title 36, chapter 17.1, article 1,[7] Arizona Revised Statutes, relating to the Arizona council for the deaf.

9. Title 36, chapter 16, article 1,[8] Arizona Revised Statutes, relating to the water quality control council.

10. Title 24, chapter 7, article 1,[9] Arizona Revised Statutes, relating to the feed advisory committee.

11. Title 11, chapter 5, article 2,[10] Arizona Revised Statutes, relating to the state community development council.

12. Title 23, chapter 6, article 5,[11] Arizona Revised Statutes, relating to the compensation fund board and board of directors, including the compensation fund investment committee and the compensation fund manager.

13. Title 35, chapter 2, article 2,[12] Arizona Revised Statutes, relating to the state board of deposit.

14. Title 11, chapter 7, article 1,[13] Arizona Revised Statutes, relating to the board of library examiners and title 41, chapter 8, article 3,[14] relating to the department of library, archives, and public records, including the activities and functions of the library and archives board, director and the historical advisory commission.

15. Title 41, chapter 7, article 10,[15] Arizona Revised Statutes, relating to the joint legislative budget committee.

16. Title 41, chapter 7, articles 10.1 and 10.2,[16] Arizona Revised Statutes, relating to the state auditor general.

17. Title 41, chapter 8, article 1,[17] Arizona Revised Statutes, relating to the legislative council.

18. Title 41, chapter 8, article 2,[18] Arizona Revised Statutes, relating to the joint legislative tax committee. Added Laws 1979, Ch. 132, § 10. As amended Laws 1980, Ch. 232, § 16, eff. Jan. 1, 1981.

[1] Section 36-101 et seq.
[2] Section 41-591 et seq.
[3] Section 42-141 et seq.
[4] Section 45-501 et seq.
[5] Section 36-1700 et seq.
[6] Section 36-893 et seq.
[7] Section 36-1941 et seq.
[8] Section 36-1851 et seq.
[9] Section 24-901 et seq.
[10] Section 11-771 et seq.
[11] Section 23-981 et seq.
[12] Section 35-321 et seq.
[13] Section 11-901 et seq.
[14] Section 41-1331 et seq.
[15] Section 41-1271 et seq.
[16] Sections 41-1279 et seq., 41-1279.21 et seq.
[17] Section 41-1301 et seq.
[18] Section 41-1321 et seq.

For text as amended by Laws 1980, 4th S.S., Ch. 1, § 26, effective June 12, 1980, see § 41-2374, ante.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.
For effective date of Laws 1980, Ch. 250, see note following § 32-101.
Former § 41-2374 was transferred and renumbered as § 41-2379.

§ 41-2375. Schedule for termination of statutes January 1, 1993

Text of section effective until January 1, 1981

The following statutes are repealed on January 1, 1993:

1. Title 41, chapter 12,[1] Arizona Revised Statutes, relating to the department of public safety.

2. Title 41, chapter 11,[2] Arizona Revised Statutes, relating to the state department of corrections.

3. Title 31, chapter 3,[3] Arizona Revised Statutes, relating to the board of pardons and paroles. Added Laws 1979, Ch. 132, § 10.

[1] Section 41-1701 et seq.
[2] Section 41-1601 et seq.
[3] Section 31-401 et seq.

For text of section effective January 1, 1981, see § 41-2375, post.

§ 41-2375. Schedule for termination of statutes January 1, 1993

Text of section effective January 1, 1981

The following statutes are repealed on January 1, 1993:

1. Title 41, chapter 12,[1] Arizona Revised Statutes, relating to the department of public safety.

2. Title 41, chapter 11,[2] Arizona Revised Statutes, relating to the state department of corrections.

3. Title 31, chapter 3,[3] Arizona Revised Statutes, relating to the board of pardons and paroles.
4. Title 32, chapter 27, article 1,[4] Arizona Revised Statutes, relating to the polygraph examiners advisory board.
5. Title 17, chapter 2, articles 1, 2 and 3,[5] Arizona Revised Statutes, relating to the Arizona game and fish department, Arizona game and fish commission and the game and fish director.
6. Title 27, chapter 1, article 4,[6] Arizona Revised Statutes, relating to the geology and mineral technology bureau and director.
7. Title 15, chapter 7, article 2,[7] Arizona Revised Statutes, relating to the Arizona board of regents.
8. Title 5, chapter 3, article 8,[8] Arizona Revised Statutes, relating to the watercraft advisory council.
9. Title 41, chapter 3, article 2,[9] Arizona Revised Statutes, relating to the Colorado river boundary commission. Added Laws 1979, Ch. 132, § 10. As amended Laws 1980, Ch. 232, § 17, eff. Jan. 1, 1981.

[1] Section 41-1701 et seq.
[2] Section 41-1601 et seq.
[3] Section 31-401 et seq.
[4] Section 32-2701 et seq.
[5] Sections 17-201 et seq., 17-211 et seq., 17-231 et. seq.
[6] Section 27-151 et seq.
[7] Section 15-721 et seq.
[8] Section 5-381 et seq.
[9] Section 41-521 et seq.

For text of section effective until January 1, 1981, see § 41-2375, ante.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

Cross References

Sunset review report, see §§ 41-2353 and 41-2354.

§ 41-2376. Schedule for termination of statutes January 1, 1995

Text of section effective until January 1, 1981

Title 41, chapter 14,[1] Arizona Revised Statutes, relating to the Arizona department of economic security, is repealed on January 1, 1995. Added Laws 1979, Ch. 132, § 10.

[1] Section 41-1951.

For text of section effective January 1, 1981, see § 41-2376, post.

§ 41-2376. Schedule for termination of statutes January 1, 1995

Text of section effective January 1, 1981

The following statutes are repealed on January 1, 1995:

1. Title 41, chapter 14,[1] Arizona Revised Statutes, relating to the Arizona department of economic security.
2. Title 23, chapter 2, article 2,[2] Arizona Revised Statutes, relating to the apprenticeship advisory council.
3. Title 46, chapter 2, article 4.1,[3] Arizona Revised Statutes, relating to the blind and visually impaired advisory committee.
4. Title 23, chapter 1, article 2,[4] Arizona Revised Statutes, relating to the fire advisory council and the state fire marshall.
5. Title 36, chapter 5.1, article 1,[5] Arizona Revised Statutes, relating to the mental retardation advisory council.

6. Title 41, chapter 3, article 7,[6] Arizona Revised Statutes, relating to the veterans service advisory council. Added Laws 1979, Ch. 132, § 10. As amended Laws 1980, Ch. 232, § 18, eff. Jan. 1, 1981.

---

[1] Section 41-1951 et seq.
[2] Section 23-221 et seq.
[3] Section 46-281 et seq.
[4] Section 23-201 et seq.
[5] Section 36-551 et seq.
[6] Section 41-601 et seq.

For text of section effective until January 1, 1981, see § 41-2376, ante.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

§ 41-2376.01. Schedule for termination of statutes January 1, 1997

The following statutes are repealed on January 1, 1997:

1. Title 41, chapter 19, article 1,[1] Arizona Revised Statutes, relating to the office of tourism.
2. Title 38, chapter 5, article 2,[2] Arizona Revised Statutes, relating to the state retirement system board and director and investment advisory council.
3. Title 38, chapter 5, article 4,[3] Arizona Revised Statutes, relating to the public safety personnel retirement system board and the activities and functions of the public safety personnel retirement fund manager.
4. Title 36, chapter 4.2, article 1,[4] Arizona Revised Statutes, relating to the health facilities authority and health facilities authority board.
5. Title 8, chapter 5, article 1,[5] Arizona Revised Statutes, relating to the state foster review board.
6. Title 41, chapter 4.1, articles 1 and 2,[6] Arizona Revised Statutes, relating to the Arizona historical society and the Prescott historical society.
7. Title 15, chapter 7, article 4.1,[7] Arizona Revised Statutes, relating to the board of medical student loans.
8. Title 30, chapter 1, article 1,[8] Arizona Revised Statutes, relating to the Arizona power authority commission.
9. Title 15, chapter 9, article 4,[9] Arizona Revised Statutes, relating to the private technical and business schools board. Added Laws 1980, Ch. 232, § 19, eff. Jan. 1, 1981.

---

[1] Section 41-2301 et. seq.
[2] Section 38-741 et. seq.
[3] Section 38-841 et. seq.
[4] Section 36-451 et. seq.
[5] Section 8-501 et. seq.
[6] Sections 41-821 et. seq., 41-831 et seq.
[7] Section 15-768 et. seq.
[8] Section 30-101 et. seq.
[9] Section 15-931 et. seq.

Effective January 1, 1981

For effective date provision of Laws 1980, Ch, 232, see note following § 41-2352.

Library References

States ⟾ 45.
C.J.S. States §§ 79, 80, 82, 136.

§ 41-2377. Termination of state agencies; continuation

Text as amended by Laws 1980, Ch. 176, § 1, effective April 23, 1980.

A. All agencies shall terminate pursuant to §§ 41-2361 through 41-2368, unless continued pursuant to this section.

B. Any agency may be continued by the legislature for a period not to exceed six years. At the end of such period, it shall again be subject to sunset review. Any agency continued, revised or consolidated by the legislature shall contain within the enabling legislation a legislative intent section setting forth the objectives of the programs administered by the agency.

C. An agency is continued pursuant to this section if legislation to continue such is passed by the legislature and signed by the governor prior to the date set for termination of the agency even if the legislation to continue the agency has not become effective on the date of scheduled termination.

D. Any agency created from and after June 30, 1978 shall continue in existence for not more than six years from the effective date of its establishment and shall be subject to this chapter.

E. Each agency created from and after June 30, 1978 shall contain a policy or purpose statement in its enabling legislation setting forth the objectives of the programs.

F. Nothing in this chapter shall be construed to prohibit the legislature from terminating any agency covered by this chapter at a date earlier than that prescribed by §§ 41-2361 through 41-2368 nor to prohibit the legislature from considering any other legislation relative to any such agency. Added as § 41-2263 by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2372. Renumbered as § 41-2377 and amended Laws 1979, Ch. 132, § 8: Laws 1980, Ch. 176, § 1, eff. April 23, 1980.

For text as amended by Laws 1980, Ch. 232, § 20, effective January 1, 1981, see § 41-2377, post.

§ 41-2377. Termination of state agencies; continuation

Text as amended by Laws 1980, Ch. 232, § 20, effective January 1, 1981.

A. All agencies shall terminate pursuant to §§ 41-2361 through 41-2368.01, unless continued pursuant to this section.

B. Any agency may be continued by the legislature for a period not to exceed six years. At the end of such period, it shall again be subject to sunset review. Any agency continued, revised or consolidated by the legislature shall contain within the enabling legislation a legislative intent section setting forth the objectives of the programs administered by the agency.

C. Any agency created from and after June 30, 1978 shall continue in existence for not more than six years from the effective date of its establishment and shall be subject to this chapter.

D. Each agency created from and after June 30, 1978 shall contain a policy or purpose statement in its enabling legislation setting forth the objectives of the programs.

E. Nothing in this chapter shall be construed to prohibit the legislature from terminating any agency covered by this chapter at a date earlier than that prescribed by §§ 41-2361 through 41-

2368.01 nor to prohibit the legislature from considering any other legislation relative to any such agency. Added as § 41-2263 by Laws 1978, Ch. 210, § 1. Renumbered as § 2372. Renumbered as § 41-2377 and amended Laws 1979, Ch. 132, § 8: Laws 1980, Ch. 232, § 20, eff. Jan. 1, 1981.

For text as amended by Laws 1980, Ch. 176, § 1, effective April 23, 1980, see. § 41-2377, ante.

For effective date provision of Laws 1980, Ch. 232, see note following § 41-2352.

Laws 1980, Ch. 250, § 24, subsec. A, effective April 26, 1980, provides:

"A. Pursuant to section 41-2377, Arizona Revised Statutes, the state board of technical registration is continued until July 1, 1982. The provisions of title 41, chapter 20, article 1 [Section 41-2351 et seq.], Arizona Revised Statutes, are applicable during the period of its continuation."

Laws 1980, 4th S.S., Ch. 1, § 167, subsec. A, effective June 12, 1980 provides:

"A. Notwithstanding § 41-2377, subsection D, Arizona Revised Statutes, the department of water resources is subject to legislative review and termination as provided by this act."

1978 Reviser's Note:

The above section was added by Laws 1978, Ch. 210, sec. 1 as section 41-2263 and was renumbered as section 41-2372 pursuant to authority of section 41-1304.02. Additionally, in subsections A and E, a change was made in reference numbers to conform to this renumbering.

§ 41-2378. Termination period for agencies; funds; equipment; personnel; documents; bonds

Text of section effective until January 1, 1981

A. All agencies listed in §§ 41-2361 through 41-2368 which is terminated shall, within six months after its termination date, conclude its affairs. Termination shall not reduce or otherwise limit the powers, duties or functions of such agency. Upon expiration of the six-month period, the agency and its personnel positions shall be abolished.

B. Six months after the termination date of the agency, the state treasurer shall transfer all funds of that agency to the general fund. All debts of such agency shall be paid by the state treasurer from the agency's funds.

C. All equipment, furniture and supplies of the terminated agency shall be transferred to the department of administration, surplus property division, to be stored or disposed of pursuant to law.

D. All documents of the terminated agency shall be transferred to the department of library, archives and public records to be stored or disposed of pursuant to law.

E. All orders, determinations, rules, regulations, permits, certificates, licenses, contracts, rates and privileges which have been issued, made, granted or allowed to become effective by an agency abolished by this chapter shall continue in effect according to their terms until the termination date of the agency.

F. Any bonds issued or sold by a state agency shall remain in full force and effect. The state shall assume bond amortization payments for any bond issuing agency abolished pursuant to this chapter. Added as § 41-2264 by Laws 1978, Ch. 210, § 1. Renumbered as § 41-2373. Renumbered as § 41-2378 by Laws 1979, Ch. 132, § 9.

For text of section effective January 1, 1981, see §41-2378, post.

1978 Reviser's Note:

The above section was added by Laws 1978, Ch. 210, sec. 1 as section 41-2264 and was renumbered as section 41-2373 pursuant to authority of section 41-1304.02. Additionally, in subsection A, a change was made in reference numbers to conform to this renumbering.

§41-2378. Termination period for agencies; funds; equipment; personnel; documents; bonds

Text of section effective January 1, 1981

A. Any agency listed in §§41-2361 through 41-2368.01 which is terminated shall, within six months after its termination date, conclude its affairs. Termination shall not reduce or otherwise limit the powers, duties or functions of such agency. Upon expiration of the six-month period, the agency and its personnel positions shall be abolished.

B. Six months after the termination date of the agency, the state treasurer shall transfer all funds of that agency to the general fund. All debts of such agency shall be paid by the state treasurer from the agency's funds.

C. All equipment, furniture and supplies of the terminated agency shall be transferred to the department of administration, surplus property division, to be stored or disposed of pursuant to law.

D. All documents of the terminated agency shall be transferred to the department of library, archives and public records to be stored or disposed of pursuant to law.

E. All orders, determinations, rules, regulations, permits, certificates, licenses, contracts, rates and privileges which have been issued, made, granted or allowed to become effective by an agency abolished by this chapter shall continue in effect according to their terms until the termination date of the agency.

F. Any bonds issued or sold by a state agency shall remain in full force and effect. The state shall assume bond amortization payments for any bond issuing agency abolished pursuant to this chapter. Added as §41-2264 by Laws 1978, Ch. 210, §1. Renumbered as §41-2373. Renumbered as §41-2378 by Laws 1979, Ch. 132, §9. As amended Laws 1980, Ch. 232, §21, eff. Jan. 1, 1981.

For text of section effective until January 1, 1981, see §41-2378, ante.

For effective date provision of Laws 1980, Ch. 232, see note following §41-2352.

§41-2379. Claims

This chapter shall not affect the right to institute or prosecute any claim by or against an agency of this state terminated pursuant to this chapter if the claim accrued prior to the date the agency was terminated. Any claim pending on the date the agency is terminated, or instituted thereafter for actions prior to the termination date, shall be prosecuted or defended in the name of the state by the department of law. Added as §41-2265 by Laws 1978, Ch. 210, §1. Renumbered as §41-2374. Renumbered as §41-2379 by Laws 1979, Ch. 132, §9.

1978 Reviser's Note:

The above section was added by Laws 1978. Ch. 210, sec. 1 as section 41-2265 and was renumbered as section 41-2374 pursuant to authority of section 41-1304.02.

ARKANSAS

ARKANSAS JOINT PERFORMANCE REVIEW COMMITTEE

Ark. Stat. Ann. §4-1013 et seq. (1976 Replacement Volume, 1979 Cum. Pocket Supp.)

4-1013. Joint performance review committee created—Membership.—There is hereby created the Joint Performance Review Committee which shall be composed of three (3) members of the Senate appointed by the Committee on Committees and six (6) members of the House of Representatives appointed by the Speaker of the House. [Acts 1977, No. 392, § 1, p. 812.]

4-1014. Responsibilities of review committee.—The Joint Performance Review Committee shall have the authority and responsibility to:

(a) make random and periodic performance review of specific governmental programs and agencies,

(b) conduct investigations into such specific problem areas of the administration of State government as may be brought to the attention of the Committee,

(c) refer specific problems regarding the operation of State government to appropriate joint interim committees of the General Assembly for continuing study,

(d) coordinate, monitor and supervise the administration and operation of the "sunset law" in order to assure that such law is carried out within the spirit of the legislative intent,

(e) conduct hearings on citizen complaints and views regarding the operation of State government, and serve as a forum for citizens to air their complaints and suggestions regarding the operation of State government,

(f) review the expenditures of the various agencies, departments and programs of State government to assure that the same are being administered in accordance with legislative intent and are being administered in such manner as to provide the taxpayers with the greatest service at the lowest reasonable cost, and

(g) make such report and recommendations to the Governor, the General Assembly, and the Legislative Council as the Committee deems necessary or appropriate to promote more effective and efficient operation of State government. [Acts 1977, No. 392, § 2, p. 812.]

4-1015. Chairman—Meetings—Compensation.—The first meeting of the Committee shall be held in the month of July 1977, and at that meeting the Committee shall select a chairman and vice chairman from its membership. Thereafter, the Committee shall meet at least once each month and may meet more often upon call of the Chairman or request of any six [6] members of the Committee. The Committee may meet at such places within the State as it deems appropriate. Members of the Committee shall be entitled to receive Forty-Five Dollars ($45.00) per day for each day actually engaged in meetings of the Committee or in otherwise carrying out the official duties of the Committee and in addition thereto shall be entitled to receive reimbursement for actual expenses incurred and mileage reimbursement for travel expense incurred while performing official duties of such Committee in an amount not to exceed that which is authorized by law as the maximum allowable mileage reimbursement for State employees at the time said travel is incurred, and shall be reimbursed for actual expenses incurred. [Acts 1977, No. 392, § 3, p. 812.]

4-1016. Employment of personnel.—The Committee is authorized to employ such personnel as necessary to carry out the provision [provisions] of this Act [§§ 4-1013—4-1016]. [Acts 1977, No. 392, § 4, p. 812.]

Compiler's Notes. The bracketed word "provisions" was inserted by the compiler.

Repealing Clause. Section 5 of Acts 1977, No. 392 repealed all laws and parts of laws in conflict therewith.

ARKANSAS

REVIEW AND EVALUATION OF STATE AGENCIES

Ark. Stat. Ann. §5-1201 et seq. (1976 Replacement Volume,
1979 Cum. Pocket Supp.)

CHAPTER 12.—REVIEW AND EVALUATION OF STATE AGENCIES

Sec.
5-1201. Intent.
5-1202. Definitions.
5-1203. Agencies terminating June 30, 1979.
5-1203.1. Purpose.
5-1203.2. Continuation of certain agencies.
5-1203.3. Continuation of certain agencies until June 30, 1981.
5-1203.4. Purpose.
5-1203.5. Continuation of certain agencies.
5-1204. Agencies terminating June 30, 1981.
5-1205. Agencies terminating June 30, 1983.
5-1206. Method of re-establishment.
5-1207. Performance audit prior to termination.
5-1208. Public hearings prior to termination—Determination by joint interim committee.
5-1209. Administration of laws governing agencies.
5-1210. Claims against agencies not diminished.
5-1211. Recommendations of joint interim committees—Consolidated report.
5-1212. Assistance of bureau of legislative research.

5-1201. Intent.—The General Assembly hereby determines that State Government actions have produced a substantial increase in the number of agencies, departments, boards commissions, institutions, and programs of this State, growth of pre-existing programs, and the proliferation of rules and regulations, and that this whole process developed without sufficient legislative oversight, regulatory accountability, or a system of checks and balances. The General Assembly further determines that by establishing a system for the termination, study, review, continuation, or re-establishment of such agencies, it will be in a better position to evaluate the need for the continued existence of existing and future agencies, departments, boards, commissions, institutions, and programs of the State Government.

It is further the intention of the General Assembly to establish an orderly schedule for the termination of all existing State agencies, during a six (6) year period, but to make provision for legislative review by the Joint Interim Committees of the Arkansas General Assembly, including the holding of public hearings, to enable the General Assembly to have the benefit of recommendations for the continuation of those State agencies which are deemed to be essential for the necessary and efficient operation of Government, prior to the termination thereof. [Acts 1977, No. 100, §1, p. 71.]

Section to Section References. This chapter is referred to in §6-610.

5-1202. Definitions.—As used in this Act [§§5-1201—5-1212], the term "State agency" or "State agencies" shall include and mean State agencies, departments, boards, commissions, institutions, councils, advisory committees, and programs and services of the State of Arkansas, to which specific reference is made in this Act. [Acts 1977, No. 100, §2, p. 71.]

5-1203. Agencies terminating June 30, 1979.—The following State agencies shall terminate on June 30, 1979:

(a) The following state agencies, to be terminated on June 30, 1979, shall be reviewed by the Joint Interim Committee on Education:

(1) [Repealed.]

(2) the Arkansas Library Commission, created by Section 1 of Act 139 of 1935, as amended, the same being Arkansas statutes 6-301, as transferred to the Library Division of the Department of Education by Section 10 of Act 38 of 1971, the same being Arkansas statutes 5-910, and the Library Division of the Department of Education, created by Section 10 of Act 38 of 1971 [5-910];

(3) the Arkansas School for the Blind, created by Section 1 of Act 64 of 1879, as amended, the same being Arkansas Statutes 80-2201;

(4) the Arkansas School for the Deaf, created by Section 1 of Act 36 of 1868, as amended, the same being Arkansas Statutes 80-2301;

(5) the Board of Trustees of the Arkansas School for the Blind and Arkansas School for the Deaf, created by Section 2 of Act 1 of 1943, as amended, the same being Arkansas Statutes 7-201;

(6) the Educational Television Commission, created by Section 1 of Act 198 of 1961, the same being Arkansas Statutes 80-3901, as transferred to the educational Television Division of the Department of Education by Section 10 of Act 38 of 1971, the same being Arkansas Statutes 5-910, and the Educational Television Division of the Department of Education, created by Section 10 of Act 38 of 1971 [§ 5-910]; and

(7) the Board for Vocational Education, created by Section 187 of Act 169 of 1931, the same being Arkansas Statutes 80-2514.

(b) The following State agencies, to be terminated on June 30, 1979, shall be reviewed by the Joint Interim Committee on Public Health, Welfare, and Labor:

(1) the Cooperative Area Manpower Planning System, created by Executive Order 73-1;

(2) the Liquefied Petroleum Gas Board, created by Section 1 of Act 31 of 1965, the same being Arkansas Statutes 53-701, and the Liquefied Petroleum Gas Advisory Committee, created by Section 5 of Act 31 of 1965, the same being Arkansas Statutes 53-704;

(3) the Employment Security Division of the Department of Labor, created by Section 10 of Act 391 of 1941, as amended, the same being Arkansas Statutes 81-1113;

(4) the Labor Board, created by Section 5 of Act 25 of 1968 (1st Ex. Sess.), the same being Arkansas Statutes 81-323;

(5) the Department of Labor, created by Section 2 of Act 161 of 1937, as amended, the same being Arkansas Statutes 5-915 [§ 81-102];

(6) the Office of the State Mine Inspector, created by Section 1 of Act 130 of 1917, as amended, the same being Arkansas Statutes 52-401, and as transferred to the Department of Labor by Section 15 of Act 38 of 1971, the same being Arkansas Statutes 5-915;

(7) the Board of Review created by Section 6 of Act 391 of 1941, as amended, the same being Arkansas Statutes 81-1107;

(8) the State Advisory Council to the Employment Security Division of the Department of Labor, created by Section 11 of Act 391 of 1941, as amended, the same being Arkansas Statutes 81-1114;

(9) the Elevator Safety Board, created by Section 2 of Act 189 of 1963, as amended, the same being Arkansas Statutes 82-1802;

(10) the Boiler Advisory Board, created by Section 2 of Act 494 of 1961, as amended, the same being Arkansas Statutes 81-502;

(11) the Arkansas Employment Agency Advisory Council, created by Section 3 of Act 493 of 1975, the same being Arkansas Statutes 81-1015;

(12) the Boiler Inspection Division of the Department of Labor, created by Section 1 of Act 494 of 1961, the same being Arkansas Statutes 81-501;

(13) the State Kidney Disease Commission, created by Section 2 of Act 450 of 1971, the same being Arkansas Statutes 82-2502;

(14) the State Spinal Cord Commission, created by Section 2 of Act 311 of 1975, the same being Arkansas Statutes 82-3302;

(15) The Pollution Control Commission, created by Section 3 of Act 472 of 1949, as amended, the same being Arkansas Statutes 82-1903, transferred to the Department of Pollution Control and Ecology by Section 8 of Act 38 of 1971, the same being Arkansas Statutes 5-908, and the Department of Pollution Control and Ecology created by Section 8 of Act 38 of 1971, the same being Arkansas Statutes 5-908;

(16) the Environmental Preservation Division of the Department of Pollution Control and Ecology, created by Section 8 of Act 38 of 1971, the same being Arkansas Statutes 5-908;

(17) the Division of Water Pollution Control, the Division of Air Pollution Control, the Division of Solid Waste Management, the Division of Environmental Preservation, and the Division of Administration of the Pollution Control Commission, created by Section 2 of Part I of Act 472 of 1949, as amended, the same being Arkansas Statutes 82-1903, and as transferred to the Department of Pollution Control and Ecology by Section 8 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-908;

(18) the State Health Planning Council, created by Section 3 of Act 305 of 1969, the same being Arkansas Statutes 82-2303, transferred to the Statewide Health Coordi-

nating Council by Section 7 of Act 558 of 1975, the same being Arkansas Statutes 82-3607 [§82-2313]; and the Statewide Health Coordinating Council, created by Section 7 of Act 558 of 1975, the same being Arkansas Statutes 82-3607 [§ 82-2313];

(19) the Nursing Home Advisory Council, created by Section 8 of Act 58 of 1969, the same being Arkansas Statutes 82-2208;

(20) the Advisory Hospital Council, created by Section 8 of Act 414 of 1961, as amended, the same being Arkansas Statutes 82-334;

(21) the Emergency Medical Services Advisory Council, created by Section 3 of Act 435 of 1975, the same being Arkansas Statutes 82-3403;

(22) the Child Care Facility Review Board, created by Section 12 of Act 434 of 1969, as amended, the same being Arkansas Statutes 83-911;

(23) the Arkansas Office on Drug Abuse Prevention of the Department of Social and Rehabilitative Services, created by Section 2 of Act 1000 of 1975, the same being Arkansas Statutes 82-2124;

(24) the Drug Abuse Authority, created by Section 2 of Act 1000 of 1975, the same being Arkansas Statutes 82-2124; and

(25) the Arkansas Drug Abuse Advisory Council, created by Section 6 of Act 1000 of 1975, the same being Arkansas Statutes 82-2128.

(c) The following State agencies, to be terminated on June 30, 1979, shall be reviewed by the Joint Interim Committee on Insurance and Commerce:

(1) the State Bank Department, created by Section 1 of Act 113 of 1913 as amended, the same being Arkansas Statutes 67-101, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(2) the State Banking Board, created be Section 1 of Act 60 of 1933, the same being Arkansas Statutes 67-201;

(3) the State Insurance Department, created by Section 16 of Act 148 of 1959, the same being Arkansas Statutes 66-2101, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(4) the Securities Division of the State Bank Department, created by Section 30 of Act 254 of 1959, as amended, the same being Arkansas Statutes 67-1262 which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(5) the Professional Malpractice Insurance Commission, created by Section 1 of Act 638 of 1975, the same being Arkansas Statutes 34-2601;

(6) the Arkansas Public Service Commission, created by Section 1 of Act 40 of 1945, the same being Arkansas Statutes 73-101, which was transferred to the Department

of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(7) the Division of Utilities and Transportation of the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(8) the Savings and Loan Association Board, created by Section 5 of Act 227 of 1963, as amended, the same being Arkansas Statutes 67-1805; and

(9) the Burial Association Board, created by § 2 of Act 91 of 1953, the same being Arkansas Statutes 66-1802.

(d) The following State agencies, to be terminated on June 30, 1979, shall be reviewed by the Joint Interim Committee on Public Transportation:

(1) the Arkansas Transportation Commission, formerly known as the Arkansas Commerce Commission, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916, which was transferred to the Department of Commerce by the same Act;

(2) the Arkansas Bikeways Commission, created by Executive Order 73-7;

(3) the Arkansas Waterways Commission, created by Section 1 of Act 242 of 1967, as amended, the same being Arkansas Statutes 21-1701;

(4) the Arkansas Turnpike Authority, created by Section 2 of Act 312 of 1973, the same being Arkansas Statutes 76-2402;

(5) the White River Navigation District Commission, created by Section 1 of Act 168 of 1963, as amended, the same being Arkansas Statutes 21-1601; and

(6) the Mississippi River Parkway Commission of Arkansas, created by Section 1 of Act 151 of 1961, the same being Arkansas Statutes 76-1812, which was transferred to the Department of Parks and Tourism by Section 1 of Act 496 of 1975, the same being Arkansas Statutes 5-907.1.[;]

(7) the Arkansas Motor Vehicle Commission, created by § 4 of Act 388 of 1975, the same being Arkansas Statutes 75-2304.

(e) [Repealed.]

(f) The following State agencies, to be terminated on June 30, 1979, shall be reviewed by the Joint Interim Committee on Economic and Industrial Resources and Development:

(1) the Division of Soil and Water Resources of the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(2) the Arkansas Soil and Water Conservation Commission, created by Section 1 of Act 14 of 1963, the same being Arkansas Statutes 9-118, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(3) the State Apiary Board, created by Section 1 of Act 59 of 1945, the same being Arkansas Statutes 78-1701 [repealed], which was transferred to the Department of

Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(4) the Arkansas Livestock and Poultry Commission, created by Section 1 of Act 87 of 1963, the same being Arkansas Statutes 78-301, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(5) the State Plant Board, created by Section 3 of Act 414 of 1917, as amended, the same being Arkansas Statutes 77-103, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(6) the Weights and Measures Division of the State Plant Board, created by Section 6 of Act 482 of 1963, as amended, the same being Arkansas Statutes 79-206, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971 [Acts 1977, No. 768, § 1.], as amended, the same being Arkansas Statutes 5-916;

(7) the Division of Livestock, Poultry, and Agriculture of the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(8) the Division of Plants of the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(9) the Department of Parks and Tourism, created by Section 7 of Act 38 of 1971, the same being Arkansas Statutes 5-907;

(10) the State Parks, Recreation and Travel Commission, created by Section 1 of Act 330 of 1955, as amended, the same being Arkansas Statutes 9-202, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, the same being Arkansas Statutes 5-916 [5-907];

(11) the Stonewall Jackson Memorial Commission, created by Section 1 of Act 211 of 1957, as amended, the same being Arkansas Statutes 80-3801, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907;

(12) the Arkansas Territorial Capitol Restoration Commission, created by Section 2 of Act 388 of 1939, as amended, the same being Arkansas Statutes 8-102, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907, and transferred to the Department of Arkansas Natural and Cultural Heritage by Section 4 of Act 1001 of 1975, the same being Arkansas Statutes 5-923;

(13) the Poison Springs State Park, created by Section 1 of Act 182 of 1961, as amended, the same being Arkansas Statutes 9-635, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907;

(14) the Publicity Division of the Arkansas Publicity and Parks Commission, created by Section 1 of Act 310 of 1969, the same being Arkansas Statutes 9-221, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907;

(15) the Arkansas History Commission, created by Section 1 of Act 355 of 1911, as amended, the same being Arkansas Statutes 6-201, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907;

(16) the Monuments and Historical Sites Division of the Department of Parks and Tourism, created by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907;

(17) the State Economic Development Study Commission, created by Section 1 of Act 193 of 1975;

(18) the Mineral Resources Commission, authorized by House Concurrent Resolution 34 of 1973; and

(19) the Arkansas Civil War Centennial Commission, created by Section 1 of Act 213 of 1959, the same being Arkansas Statutes 8-701.

(g) The following State agencies, to be terminated on June 30, 1979, shall be reviewed by the Joint Interim Committee on Judiciary.

(1) the Department of Public Safety, created by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(2) the Police Division of the Department of Public Safety, created by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(3) the Military Division of the Department of Public Safety, created by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(4) the Law Enforcement Training Academy Division of the Department of Public Safety, created by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(5) the Police Commission, created by Section 1 of Act 394 of 1969, as amended, the same being Arkansas Statutes 42-403;

(6) the Enforcement Division of the Alcoholic Beverage Control Commission, created by Section 18 of Act 159 of 1951, as amended, the same being Arkansas Statutes 48-1317, which was transferred to the Department of Public Safety by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(7) [Repealed];

(8) the State Fire Marshal Enforcement Section of the Department of Public Safety, created by Section 21 of Act 1017 of 1975 (Extended Sess. 1976), the same being Arkansas Statutes 5-914.1 [5-914.2];

(9) the Arkansas Law Enforcement Training Academy, created by Section 1 of Act 526 of 1963, as amended, the same being Arkansas Statutes 42-701, which was transferred to the Department of Public Safety by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(10) the Department of Correction, created by Section 1 of Act 50 of 1968 (First Extraordinary Session), as amended, the same being Arkansas Statutes 46-100;

(11) the Board of Pardons and Paroles, created by Section 1 of Act 621 of 1969, as amended, the same being Arkansas Statutes 43-2802;

(12) the State Penitentiary Board, created by Section 1 of Act 208 of 1945, as amended, the same being Arkansas Statutes (1964) 43-2801, as renamed the Board of Correction by Section 2 of Act 50 of 1968 (First Extraordinary Session), as amended, the same being Arkansas Statutes 46-101;

(13) [Repealed];

(14) the Board of Judicial Reapportionment, created by Section 2 of Act 325 of 1975, the same being Arkansas Statues 22-310 note.

(h) The following State agencies, to be terminated on June 30, 1979, shall be reviewed by the Joint Interim Committee on State Agencies and Governmental Affairs:

(1) the Office of Planning, created by Section 4 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-904;

(2) the Veterans Service Office, created by Section 1 of Act 234 of 1945, as amended, the same being Arkansas Statutes 11-1401;

(3) the State Building Services, created by Section 5 of Act 716 of 1975, the same being Arkansas Statutes 5-1022;

(4) the War Memorial Stadium Commission, created by Section 1 of Act 249 of 1947, as amended, the same being Arkansas Statutes 80-3401;

(5) the State Capitol Grounds Commission, created by Section 1 of Act 507 of 1963, the same being Arkansas Statutes 5-225;

(6) the Capitol Zoning District Commission, created by Section 1 of Act 267 of 1975, the same being Arkansas Statutes 5-235;

(7) the Claims Commission, created by Section 2 of Act 276 of 1955, as amended, the same being Arkansas Statutes 13-1401;

(8) the Criminal Detention Facilities Board, created by Section 3 of Act 244 of 1973, the same being Arkansas Statutes 46-1202;

(9) the Governor's Mansion Advisory Council, created by Section 6 of Act 400 of 1973, the same being Arkansas Statues 12-318;

(10) the Governor's Mansion Commission, created by Section 1 of Act 400 of 1973, the same being Arkansas Statutes 12-313;

(11) the Arkansas Commission on Interstate Cooperation, created by Section 2 of Act 378 of 1951, as amended, the same being Arkansas Statutes 6-112;

(12) the Executive Committee on Law Enforcement Standards, created by Section 6 of Act 452 of 1975, the same Arkansas Statutes 42-1005;

(13) the State Administration Department, created by Section 1 of Act 468 of 1967, the same being Arkansas Statutes 5-801, which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(14) the Criminal Justice and Highway Safety Information Center, created by Section 1 of Act 286 of 1975 [1971], the same being Arkansas Statutes 5-1101;

(15) the Budget and Accounting Division; the Local Affairs and Audit Division; the Administrative Services Division; and the Purchasing Division of the State Administration Department, created by Section 3 of Act 468 of 1967, the same being Arkansas Statutes 5-803, which were transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(16) the Surplus Property Program, created by Section 1 of Act 303 of 1945, as amended, the same being Arkansas Statutes 80-732, which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(17) the State Printing Board, created by Section 2 of Act 544 of 1975, as amended, the same being Arkansas Statutes 14-302;

(18) [Repealed];

(19) [Repealed];

(20) the Board of Finance, created by Section 1 of Act 338 of 1955, as amended, the same being Arkansas Statutes 13-401;

(21) the Board of Directors of the Garland Levee District, created by Act 311 of 1913;

(22) the Board of Directors of the Miller Levee District No. 2, created by Act 69 of 1911;

(23) the Board of Directors of the Red River Levee District No. 1, created by Act 97 of 1905;

(24) the Red River Commission, created by Section 1 of Act 264 of 1973, the same being Arkansas Statutes 21-1014;

(25) the Department of Finance and Administration, created by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(26) the Personnel Division of the State Administration Department, created by Section 1 of Act 466 of 1967, the same being Arkansas Statutes 5-810, which was transferred to the Department of Finance and Administration

by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(27) the Office of Telecommunications, created by Section 2 of Act 47 of 1968 (First Extraordinary Session), the same being Arkansas Statutes 5-824 [repealed], which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(28) the Office of Data Processing, created by Section 2 of Act 46 of 1968 (First Extraordinary Session), the same being Arkansas Statutes 5-820 [repealed], which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(29) the Older Worker Community Sevice Employment Program, created by Section 2 of Act 815 of 1975, the same being Arkansas Statutes 81-1502, which was transferred to the Department of Local Services by Section 4 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-904; and

(30) the Merit Council, as referred to in Section 6 of Act 280 of 1939, as amended, the same being Arkansas Statutes 83-107.

(i) The following State agencies, to be terminated on June 30, 1979, shall be reviewed by the Joint Interim Committee on Revenue and Taxation:

(1) the Arkansas Racing Commission, created by Section 2 of Act 46 of 1957, as amended, the same being Arkansas Statutes 84-2728, which was transferred to the Division of Racing of the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(2) the Racing Division of the Department of Finance and Administration, created by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(3) the Tax Revision Commission, created by Section 1 of Act 726 of 1975; and

(4) the Office of Commissioner of Revenues, created by Section 2 of Act 88 of 1925, as amended, the same being Arkansas Statutes 84-1701, which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(j) The following State agencies, to be terminated on June 30, 1979, shall be reviewed by the Joint Interim Committee on Public Retirement and Social Security Programs:

(1)-(13) [Repealed];

(14) the Tax Division and the Assessment Coordination Division of the Public Service Commission, which was created by Section 1 of Act 245 of 1959, as amended, the same being Arkansas Statutes 84-114;

(15) the Department of Revenues, created by Section 2 of Act 88 of 1925, as amended, the same being Arkansas Statutes 84-1701, which was transferred to the Depart-

ment of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905. [Acts 1977, No. 100 § 3, p. 71; 1979, No. 683, § 4, p. —.]

Compiler's Notes. The bracketed section designation "§ 81-102" in subsection (b)(5) was inserted by the compiler since it is the section created by Acts 1937, No. 161 § 2. However, § 5-915 continues the Department of Labor.

The bracketed reference in subsection (f)(6) to Acts 1977, No. 768, § 1 was inserted by the compiler since after creation of the Division of Weights and Measures in § 79-206, as a division of the State Plant Board, the powers, duties and functions of the State Plant Board were transferred to the Department of Commerce and located in the Division of Plants (Acts 1971, No. 38, § 16, p. 107, § 5-916(7)), and subsequently by § 2 of Acts 1977, No. 768, § 5-916.7, all powers, functions and duties with respect to the administration of weight and measure laws were transferred to the Division of Weights and Measures created by § 2 of Acts 1977, No. 768 (§ 5-916(2)).

The bracketed section designation "§ 5-907" in subsection (f)(10) was inserted by the compiler since it is § 7 of Acts 1971, No. 38.

The bracketed section designation in subsection (g)(8) "5-914.2" was inserted by the compiler since it is § 21 of Acts 1975 (Extended Sess., 1976), No. 1017.

The bracketed year "1971" in subsection (h)(14) was inserted by the compiler.

The bracketed "2" and "12-2543" in subdivision (j)(9) were inserted by the compiler since it was thought to be the section intended.

Subsections (a)(1), (e)(1-6), (g)(7, 130, (h)(18, 19) and (j)(1-13) of this section (Acts 1977, No. 100, § 3, p. —) were repealed by Acts 1979, No. 683, § 4.

The bracketed semicolon in subdivision (d)(6) was inserted by the compiler.

Section 78-1701, referred to in subdivision (f)(3) was repealed by Acts 1977, No. 161, § 8.

Section 5-824, referred to in subdivision (h)(27), and § 5-820, referred to in subdivision (h)(28), were repealed by Acts 1977, No. 884, § 23.

5-1203.1. Purpose.—In the passage of this Act [§§ 5-1203.1—5-1203.3], the General Assembly is cognizant of the intent of Section 3[§ 5-1203] of Act 100 of 1977, which provided for the termination of a number of State agencies on June 30, 1979, unless studies of said State agencies by Joint Interim Committees of the General Assembly, who were assigned in said Section 3 to make "Sunset reviews" of said agencies, determine that the continuation of certain of said State agencies is in the public interest. During the interim between the adoption of Act 100 of 1977, and the convening of the 1979 Regular Session of the General Assembly, the respective Joint Interim Committees of the General Assembly have made studies and review of the purposes, activities, justifications, and needs for each of the State agencies enumerated in Section 3 [§ 5-1203] of 1977, and have recommended the continuation of a number of said State agencies. It is therefore, the purpose of this Act to provide for the continuation of certain of said State agencies, as enumerated in this Act, subsequent to June 30, 1979, and to provide that the provisions of Section 3 [§ 5-1203] of Act 100 of 1977, which would have provided for the termination of the State agencies enumerated herein on June 30, 1979, shall be of no effect, and that said State agencies be continued, and shall continue to function the same as if the provisions of Section 3 [§ 5-1203] of Act 100 of 1979, which provided for their termination, had never been enacted. [Acts 1979, No. 683, § 1, p. —.]

5-1203.2. Continuation of certain agencies.—The following State agencies which under the provisions of Section 3 [§ 5-1203] of Act 100 of 1977, were scheduled to terminate on June 30, 1979, are hereby continued, and said State agencies shall continue to function, and shall perform the respective powers, functions and duties assigned to them by law from and after June 30, 1979, the same as they would have functioned if Section 3 of Act 100 of 1977 had never been enacted:

(1) the Arkansas Library Commission, created by Section 1 of Act 139 of 1935, as amended, the same being Arkansas Statutes 6-301, as transferred to the Library Division of the Department of Education by Section 10 of Act 38 of 1971, the same being Arkansas Statutes 5-910, and the Library Division of the Department of Education, created by Section 10 of Act 38 of 1971;

(2) the Arkansas School for the Blind, created by Section 1 of Act 64 of 1879, as amended, the same being Arkansas Statutes 80-2201;

(3) the Arkansas School for the Deaf, created by Section 1 of Act 36 of 1868, as amended, the same being Arkansas Statutes 80-2301;

(4) the Board of Trustees of the Arkansas School for the Blind and Arkansas School for the Deaf, created by Section 2 of Act 1 of 1943, as amended, the same being Arkansas Statutes 7-201;

(5) the Educational Television Commission, created by Section 1 of Act 198 of 1961, the same being Arkansas Statutes 80-3901, as transferred to the Education Television Division of the Department of Education by Section 10 of Act 38 of 1971, the same being Arkansas Statutes 5-910, and the Educational Television Division of the Department of Education, created by Section 10 of Act 38 of 1971; (and)

(6) the Board for Vocational Education, created by Section 187 of Act 169 of 1931, the same being Arkansas Statutes 80-2514.[;]

(7) the Cooperative Area Manpower Planning System, created by Executive Order 73-1;

(8) the Liquefied Petroleum Gas Board, created by Section 1 of Act 31 of 1965, the same being Arkansas Statutes 53-701, and the Liquefied Petroleum Gas Advisory Committee, created by Section 5 of Act 31 of 1965, the same being Arkansas Statutes 53-704;

(9) the employment Security Division of the Department of Labor, created by Section 10 of Act 391 of 1941, as amended, the same being Arkansas Statutes 81-1113;

(10) the Labor Board, created by Section 5 of Act 25 of 1968 (1st Ex. Sess.), the same being Arkansas Statutes 81-323;

(11) the Department of Labor, created by Section 2 of Act 161 of 1937, as amended, the same being Arkansas Statutes 5-915;

(12) the Office of the State Mine Inspector, created by Section 1 of Act 130 of 1917, as amended, the same being Arkansas Statutes 52-401, and as transferred to the Department of Labor by Section 15 of Act 38 of 1971, the same being Arkansas Statutes 5-915;

(13) the Board of Review created by Section 6 of Act 391 of 1941, as amended, the same being Arkansas Statutes 81-1107;

(14) the State Advisory Council to the Employment Security Division of the Department of Labor, created by Section 11 of Act 391 of 1941, as amended, the same being Arkansas Statutes 81-1114;

(15) the Elevator Safety Board, created by Section 2 of Act 189 of 1963, as amended, the same being Arkansas Statutes 82-1802

(16) the Boiler Advisory Board, created by Section 2 of Act 494 of 1961, as amended, the same being Arkansas Statutes 81-502;

(17) the Arkansas Employment Agency Advisory Council, created by Section 3 of Act 493 of 1975 the same being Arkansas Statutes 81-1015;

(18) the Boiler Inspection Division of the Department of Labor, created by Section 1 of Act 494 of 1961, the same being Arkansas Statutes 81-501;

(19) the State Kidney Disease Commission, created by Section 2 of Act 450 of 1971, the same being Arkansas Statutes 82-2502;

(20) the State Spinal Cord Commission, created by Section 2 of Act 311 of 1975, the same being Arkansas Statutes 82-3302;

(21) the Pollution Control Commission, created by Section 3 of Act 472 of 1949, as amended, the same being Arkansas Statutes 82-1903, transferred to the Department of Pollution Control and Ecology by Section 8 of Act 38 of 1971, the same being Arkansas Statutes 5-908, and the Department of Pollution Control and Ecology created by Section 8 of Act 38 of 1971, the same being Arkansas Statutes 5-908.[;]

(22) the Environmental Preservation Division of the Department of Pollution Control and Ecology, created by Section 8 of Act 38 of 1971, the same being Arkansas Statutes 5-908;

(23) the Division of Water Pollution Control, the Division of Air Pollution Control, the Division of Solid Waste Management, the Division of Environmental Preservation, and the Division of Administration of the Pollution Control Commission, created by Section 2 of Part I of Act 472 of 1949, as amended, the same being Arkansas Statutes 82-1903, and as transferred to the Department of Pollution Control and Ecology by Section 8 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-908;

(24) the State Health Planning Council, created by Section 3 of Act 305 of 1969, the same being Arkansas Statutes 82-2303, transferred to the Statewide Health Coordinating Council by Section 7 of Act 558 of 1975, the same being Arkansas Statutes 82-3607; and the Statewide Health Coordinating Council, created by Section 7 of Act 558 of 1975, the same being Arkansas Statutes 72-3607.[;]

(25) the Nursing Home Advisory Council, created by Section 8 of Act 58 of 1969, the same being Arkansas Statutes 82-2208;

(26) the Emergency Medical Services Advisory Council, created by Section 3 of Act 435 of 1975, the same being Arkansas Statutes 82-3403;

(27) the Child Care Facility Review Board, created by Section 12 of Act 434 of 1969, as amended, the same being Arkansas Statutes 83-911;

(28) the Burial Association Board, created by § 2 of Act 91 of 1953, the same being Arkansas Statutes 66-1802. [;]

(29) the Arkansas Transportation Commission, formerly known as the Arkansas Commerce Commission, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916, which was transferred to the Department of Commerce by the same Act;

(30) the Arkansas Waterways Commission, created by Section 1 of Act 242 of 1967, as amended, the same being Arkansas Statutes 21-1701;

(31) the Arkansas Turnpile Authority, created by Section 2 of Act 312 of 1973, the same being Arkansas Statutes 76-2402;

(32) the Mississippi River Parkway Commission of Arkansas, created by Section 1 of Act 151 of 1961, the same being Arkansas Statutes 76-1812, which was transferred to the Department of

Parks and Tourism by Section 1 of Act 496 of 1975, the same being Arkansas Statutes 5-907.1.[;]

(33) the Division of Soil and Water Resources of the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(34) the Arkansas Soil and Water Conservation Commission, created by Section 1 of Act 14 of 1963, the same being Arkansas Statutes 9-118, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(35) the Arkansas Livestock and Poultry Commission, created by Section 1 of Act 87 of 1963, the same being Arkansas Statutes 78-301, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(36) the State Plant Board, created by Section 3 of Act 414 of 1917, as amended, the same being Arkansas Statutes 77-103, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(37) the Weights and Measures Division of the State Plant Board, created by Section 6 of Act 482 of 1963, as amended, the same being Arkansas Statutes 79-206, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(38) the Division of Livestock, Poultry, and Agriculture of the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(39) the Division of Plants of the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(40) the Department of Parks and Tourism, created by Section 7 of Act 38 of 1971, the same being Arkansas Statutes 5-907;

(41) the State Parks, recreation and Travel Commission, created by Section 1 of Act 330 of 1955, as amended, the same being Arkansas Statutes 9-202, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, the same being Arkansas Statutes 5-916;

(42) The Arkansas Territorial Capitol Restoration Commission, created by Section 2 of Act 388 of 1939, as amended, the same being Arkansas Statutes 8-102, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907, and transferred to the Department of Arkansas Natural and Cultural Heritage by Section 4 of Act 1001 of 1975, the same being Arkansas Statutes 5-923;

(43) the Publicity Division of the Arkansas Publicity and Parks Commission, created by Section 1 of Act 310 of 1969, the same being Arkansas Statutes 9-221, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907;

(44) the Arkansas History Commission, created by Section 1 of Act 355 of 1911, as amended, the same being Arkansas Statutes 6-201, which was transferred to the Department of Parks and Tour-

ism by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907;

(45) the Monuments and Historical Sites Division of the Department of Parks and Tourism, created by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907;

(46) the Police Division of the Department of Public Safety, created by Section 14 of Act 28 of 1971, as amended, the same being Arkansas Statutes 5-914;

(47) the Department of Public Safety, created by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(48) the Law Enforcement Training Academy Division of the Department of Public Safety, created by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(49) the Police Commission, created by Section 1 of Act 394 of 1969, as amended, the same being Arkansas Statutes 42-403;

(50) the Enforcement Division of the Alcoholic Beverage Control Commission, created by Section 18 of Act 159 of 1951, as amended, the same being Arkansas Statutes 48-1317, which was transferred to the Department of Public Safety by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(51) the State Fire Marshal Enforcement Section of the Department of Public Safety, created by Section 21 of Act 1017 of 1975 (Ext. Sess. 1976), the same being Arkansas Statutes 5-914.1 [§ 5-914.2];

(52) the Arkansas Law Enforcement Training Academy, created by Section 1 of Act 526 of 1963, as amended, the same being Arkansas Statutes 42-701, which was transferred to the Department of Public Safety by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(53) the Department of Correction, created by Section 1 of Act 50 of 1968 (First Extraordinary Session), as amended, the same being Arkansas Statutes 46-100;

(54) the Board of Pardons and Paroles, created by Section 1 of Act 621 of 1969, as amended, the same being Arkansas Statutes 43-2802;

(55) the State Penitentiary Board, created by Section 1 of Act 208 of 1945, as amended, the same being Arkansas Statutes (1964) 43-2801, as renamed the Board of Correction by Section 2 of Act 50 of 1968 (First Extraordinary Session), as amended, the same being Arkansas Statutes 46-101;

(56) the Veterans Service Office, created by Section 1 of Act 234 of 1945, as amended, the same being Arkansas Statutes 11-1401;

(57) the State Building Services, created by Section 5 of Act 716 of 1975, the same being Arkansas Statutes 5-1022;

(58) the War Memorial Stadium Commission, created by Section 1 of Act 249 of 1947, as amended, the same being Arkansas Statutes 80-3401;

(59) the Capitol Zoning District Commission, created by Section 1 of Act 267 of 1975, the same being Arkansas Statutes 5-235;

(60) the Claims Commission, created by Section 2 of Act 276 of 1955, as amended, the same being Arkansas Statutes 13-1401;

(61) the Criminal Detention Facilities Board, created by Section 3 of Act 244 of 1973, the same being Arkansas Statutes 46-1202;

(62) the Governor's Mansion Commission, created by Section 1 of Act 400 of 1973, the same being Arkansas Statutes 12-313;

(63) the Arkansas Commission on Interstate Cooperation, created by Section 2 of Act 378 of 1951, as amended, the same being Arkansas Statutes 6-112;

(64) the Executive Committee on Law Enforcement Standards, created by Section 6 of Act 452 of 1975, the same being Arkansas Statutes 42-1005;

(65) the State Administration Department, created by Section 1 of Act 468 of 1967, the same being Arkansas Statutes 5-801, which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(66) the Criminal Justice and Highway Safety Information Center, created by Section 1 of Act 286 of 1975, the same being Arkansas Statutes 5-1101;

(67) the Budget and Accounting Division; the Local Affairs and Audit Division, the Administrative Services Division; and the Purchasing Division of the State Administration Department, created by Section 3 of Act 468 of 1967, the same being Arkansas Statutes 5-803, which were transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(68) the Surplus Property Program, created by Section 1 of Act 303 of 1945, as amended, the same being Arkansas Statutes 80-732 [§ 80-132], which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(69) the State Printing Board, created by Section 2 of Act 544 of 1975, as amended, the same being Arkansas Statutes 14-302;

(70) the Board of Finance, created by Section 1 of Act 338 of 1955, as amended, the same being Arkansas Statutes 13-401;

(71) the Board of Directors of the Garland Levee District, created by Act 311 of 1913;

(72) the Board of Directors of the Miller Levee District, No. 2, created by Act 69 of 1911;

(73) the Board of Directors of the Red River Levee District No. 1, created by Act 97 of 1905;

(74) the Red River Commission, created by Section 1 of Act 264 of 1973, the same being Arkansas Statutes 21-1014;

(75) the Department of Finance and Administration, created by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(76) the Personnel Division of the State Administration Department, created by Section 1 of Act 466 of 1967, the same being Arkansas Statutes 5-810, which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(77) the Office of Telecommunications, created by Section 2 of Act 47 of 1968 (First Extraordinary Session), the same being Arkansas Statutes 5-824, which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(78) the Office of Data Processing, created by Section 2 of Act 46 of 1968 (First Extraordinary Session), the same being Arkansas Statutes 5-820, which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(79) the Older Worker Community Service Employment Program, created by Section 2 of Act 815 of 1975, the same being Arkansas Statutes 81-1502, which was transferred to the Department of Local Services by Section 4 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-904;

(80) the Merit Council, as referred to in Section 6 of Act 280 of 1939, as amended, the same being Arkansas Statutes 83-107;

(81) the Arkansas Racing Commission, created by Section 2 of Act 46 of 1957, as amended, the same being Arkansas Statutes 84-2728, which was transferred to the Division of Racing of the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(82) the Racing Division of the Department of Finance and Administration, created by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(83) the Office of Commissioner of Revenues, created by Section 2 of Act 88 of 1925, as amended, the same being Arkansas Statutes 84-1701, which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(84) the Tax Division and the Assessment Coordination Division of the Public Service Commission, which were created by Section 1 of Act 245 of 1959, as amended, the same being Arkansas Statutes 84-114;

(85) the Poison Springs State Park, created by Section 1 of Act 182 of 1961, as amended, the same being Arkansas Statutes 9-635, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-907;

(86) the Arkansas Motor Vehicle Commission, created by § 4 of Act 388 of 1975, the same being Arkansas Statutes 75-2304. [Acts 1979, No. 683, § 2, p.—.]

Compiler's Notes. The bracketed semi-colons at the end of subsections (6), (21), (24), (28), (32) were inserted by the compiler and the word "and" at the end of subsection (5) was placed in parentheses by the compiler as surplusage. Acts 1945, No. 243, § 1 [11-1401] referred to in subdivision (56) of this section was repealed by Acts 1979, No. 324, § 17.

5-1203.3. Continuation of certain agencies until June 30, 1981.— The following State Agencies, which under the provisions of Section 3 [§ 5-1203] of Act 100 of 1977, were scheduled to terminate on June 30, 1979, are hereby continued until June 30, 1981, for the purpose of enabling the appropriate Joint Interim Committee of the General Assembly, as designated below, to continue to review said agencies for the purpose of recommending to the 73rd General Assembly whether said state agencies should continue to function after June 30, 1981, or terminate on said date as provided herein:

(a) The following State Agencies, to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on Education:

(1) the State Department of Education and the State Board of Education, created by Section 3 of Act 169 of 1931, as amended, the same being Arkansas Statutes 80-102, which were transferred to the Department of Education under the provisions of Section 10 of Act 38 of 1971, the same being Arkansas Statutes 5-910;

(b) The following State Agencies to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on City, County and Local Affairs:

(1) the Department of Local Services, created by Section 4 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-904;

(2) the Local Services Advisory Council, created by Section 4 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-904;

(3) the Office of Local and Regional Services within the Department of Local Services, created by Section 4 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-904;

(4) the Health Planning Program of the Office of the Governor, transferred to the Department of Planning by Section 4 of Act 38 of 1971, the same being Arkansas Statutes (1973 Suppl.) 5-904, which was transferred to the Department of Local Services by Section 1 of Act 278 of 1975, the same being Arkansas Statutes (1976) 5-904;

(5) the Comprehensive State Health Planning Agency, created by Section 1 of Act 305 of 1969, the same being Arkansas Statutes 82-2301, which was transferred to the Department of Local Services by Section 4 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-904, and which was transferred to the State Health Planning and Development Agency by Section 7 of Act 588 of 1975, the same being Arkansas Statutes 82-3607; and

(6) the Health Planning Advisory Council, which was transferred to the Department of Local Services by Section 4 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-904.

(c) The following State Agencies, to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on Judiciary:

(1) the Alcoholic Beverage Control Division of the Department of Finance and Administration, formerly the Department of Alcoholic Beverage Control, created by Section 5 of Act of 1971, as amended, the same being Arkansas Statutes 5-905;

(2) the Workshop-Made Products Committee, created by Section 1 of Act 405 of 1973, as amended, the same being Arkansas Statutes 14-229; and

(d) The following State Agencies, to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on State Agencies and Governmental Affairs:

(1) the Department of Alcoholic Beverage Control, created by Section 1 of Act 159 of 1951, as amended, the same being Arkansas Statutes 48-1301, which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(2) the Alcoholic Beverage Control Division of the Department of Finance and Administration, created by Section 5 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-905;

(e) The following State Agencies, to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on Public Retirement and Social Security Programs:

(1) the Arkansas Highway Retirement System, created by Section 2 of Act 454 of 1949, as amended, the same being Arkansas Statutes 76-1902;

(2) the Arkansas Teacher Retirement System, created by Section 16 of Act 93 of 1957, as amended, the same being Arkansas Statutes 80-1436;

(3) the State Police Retirement System, created by Section 1 of Act 311 of 1951, as amended, the same being Arkansas Statutes 42-451;

(4) the Arkansas Judicial Retirement System, created by Section 2 of Act 365 of 1953, as amended, the same being Arkansas Statutes 22-902;

(5) the Arkansas Quasi-Judicial Retirement System, created by Section 1 of Act 148 of 1965, as amended, the same being Arkansas Statutes 12-2701;

(6) the State Division of the Public Employees Retirement System, created by Section 4 of Act 177 of 1957, as amended, the same being Arkansas Statutes 12-2504;

(7) the County Division of the Public Employees Retirement System, created by Section 4 of Act 177 of 1957, as amended, the same being Arkansas Statutes 12-2504;

(8) the Municipal Division of the Public Employees Retirement System, created by Section 4 of Act 177 of 1957, as amended, the same being Arkansas Statutes 12-2504;

(9) the Non-Teacher Public School Employees Division of the Public Employees Retirement System, created by Section 1 of Act 63 of 1965, as amended, the samd being Arkansas Statutes 12-2542;

(10) the General Assembly Division of the Public Employees Retirement System, created by Section 1 of Act 202 of 1961, as amended, the same being Arkansas Statutes 12-2510.2;

(11) the Retired Constitutional Officers Division of the Public Employees Retirement System, created by Section 6 of Act 103 of 1971, the same being Arkansas Statutes 12-2511.2;

(12) the County Elected Constitutional Officers Division of the Public Employees System, created by Section 1 of Act 581 of 1973, the same being Arkansas Statutes 12-2511.5; and

(13) the Arkansas Retirement System Study Committee, created by Section 1 of Act 293 of 1975. [Acts 1979, No. 683, § 3, p. —.]

Repealing Clause. Section 4 of Acts 1979, No. 683, read: "That the following Subsections of Section 3 of Act 100 of 1977, are hereby repealed:

Subsection (1) of Subsection (a) of Section 3; Subsection [Subsections] (1), (2), (3), (4), (5), and (6) of Subsection (e) of Section 3; Subsection (1) and Subsection (13) of Subsection (g) of Section 3; Subsections (18) and (19) of Subsection (h) of Section 3; and Subsections (1) through (13) inclusive of Subsection (j) of Section 3."

Emergency. Section 5 of Acts 1979, No. 683, read: "It is hereby found and determined by the General Assembly that Section 3 of Act 100 of 1977 provided for the termination of a number of State Agencies and programs to be effective on June 30, 1979, that it was the intention of said Act that each of said agencies and programs would be reviewed in the interim between the recess and adjournment and the convening of the 72nd General Assembly by the Legislative Joint Interim Committees of the General Assembly to evaluate the purposes, duties and accomplishments of said agencies and programs with the view that the General Assembly would take action to restore and continue those agencies and programs that were needed in the public interests, that other agencies and programs would be reorganized and that other agencies and programs would be allowed to terminate as provided by Act 100 of 1977; and, as a result of said studies during the interim prior to the convening of the 72nd General Assembly recommendations have been made to restore and continue the operations of numerous agencies and programs which were to terminate on June 30, 1979, and recommendations were made that other agencies and programs be extended for two more years for further study and to terminate on June 30, 1981 unless restored and continued by the 73rd General Assembly; that the immediate passage of this Act is necessary to restore and continue the various agencies and programs identified in this Act and that said action should be taken prior to June 30, 1979, at which time said agencies would be terminated under the provisions of Act 100 of 1977, it being the intent of this Act that the agencies and programs defined herein would continue to function. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval." Approved April 2, 1979.

5-1203.4. Purpose.—It is the intent and purpose of this Act [§§ 5-1203.4, 5-1203.5] to provide for the continuation of the State agencies and programs enumerated in this Act, and to provide that these agencies and programs will function and operate as if the provisions of Section 3 [§ 5-1203] of Act 100 of 1977, which provided for their termination, never been enacted. [Acts 1979, No. 1021, § 1, p. —.]

5-1203.5. Continuation of certain agencies.—The following agencies shall continue to function and shall perform the powers, duties, and functions assigned them by law, but shall be subject to review as under act 100 of 1977 [§§ 5-1201—5-1212] and shall terminate on June 30, 1981:

(a) The Department of Revenues, created by Section 2 of Act 88 of 1925, as amended, the same being Ark. Stat. Ann. Section 84-1701, which was transferred to the Department of Finance and Administration by Section 5 of Act 38 of 1971, as amended, the same being Ark. Stat. Ann. Section 5-905.

(b) The State Bank Department, created by Section 1 of Act 113 of 1913, as amended, the same being Ark. Stat. Ann. Section 67-101, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Ark. Stat. Ann. Section 5-916.

(c) The State Banking Board, created by Section 1 of Act 60 of 1933, as amended, the same being Ark. Stat. Ann. Section 67-201, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended.

(d) The State Insurance Department, created by Section 16 of Act 148 of 1959, the same being Ark. Stat. Ann. Section 66-2101, which was transferred to the Department of Commerce of Section 16 of Act 38 of 1971, as amended, the same being Ark. Stat. Ann. Section 5-916.

(e) The Securities Division of the State Bank Department, created by Section 30 of Act 254 of 1959, as amended, the same being Ark. Stat. Ann. Section 67-1262, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Ark. Stat. Ann. Section 5-916, and which was further revised and separated from the State Bank Department by Act 471 of 1973 [§§ 67-1262—67-1262.3].

(f) The Savings and Loan Association Board, created by Section 5 of Act 227 of 1963, as amended, the same being Ark. Stat. Ann. Section 67-1805, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, the same being Ark. Stat. Ann. Section 5-916.

(g) The Arkansas Public Service Commission, created by Section 1 of Act 40 of 1945, the same being Ark. Stat. Ann. Section 73-101, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Ark. Stat. Ann. Section 5-916.

(h) The State Military Department, created by Act 85 of 1929 [repealed], as amended, as [which was] transferred to the Department of Public Safety, as a Military Division thereof by Section 14 of Act 38 of 1971, as amended, the same being Ark. Stat. Ann. Section 5-914.

(i) The White River Navigation District Commission, created by Section 1 of Act 168 of 1963, as amended, the same being Arkansas Statutes 21-1601, is hereby abolished, and all powers, functions and duties of said Commission are hereby transferred to the Arkansas Waterways Commission to be performed by said Waterways Commission as provided by Act 242 of 1967 [§§ 21-1701—21-1703], as amended. [Acts 1979, No. 1021, § 2, p. —.]

Compiler's Notes. The bracketed words "which was" in subsection (h) were inserted by the compiler.

Act 85 of 1929, referred to in subdivision (h), was repealed by Acts 1969, No. 50, § 205.

Section 3 of Acts 1979, No. 1021, read; "All moneys belonging to each of the respective departments, agencies and programs set forth in Section 2 of this Act and all funds appropriated for the remainder of the Fiscal Year ending June 30, 1979, and all moneys appropriated for said programs for the 1979-81 Fiscal Biennium shall be deemed to be appropriated for each of the respective agencies set forth in Section 2 hereof."

Emergency. Section 4 of Acts 1979, No. 1021, read: "It is hereby found and determined by the General Assembly that Section 3 of Act 100 of 1977 provided for the termination of a number of State Agencies and programs to be effective on June 30, 1979, that it was the intention of said Act that each of said agencies and programs would be reviewed in the interim between the recess and adjournment and the convening of the 72nd General Assembly by the Legislative Joint Interim Committees of the General Assembly to evaluate the purposes, duties and accomplishments of said agencies and programs with the view that the General Assembly would take action to restore and continue those agencies and programs that were needed in the public interests, that other agencies and programs would be reorganized and that other agencies and programs would be allowed to terminate as provided by Act 100 of 1977; and, as a result of said studies during the interim prior to the convening of the 72nd General Assembly recommendations have been made to restore and continue the operations of the above enumerated agencies and programs, which were to terminate on June 30, 1979; that the immediate passage of this Act is necessary to reorganize, restore and continue the agencies and programs identified in this Act, and that said action must be taken prior to June 30, 1979, at which time these agencies will be terminated under the provisions of Act 100 of 1977, it being the intent of this Act that the agencies and programs defined herein will continue to function. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval." Approved April 18, 1979.

Section to Section References. This section is referred to in § 5-1207.

5-1204. Agencies terminating June 30, 1981.—The following State agencies shall terminate on June 30, 1981;

(a) The following State agencies, to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on Education:

(1) the Early Childhood Development Program, created by Section 1 of Act 63 of 1969, as amended, the same being Arkansas Statutes 80-1694 [§80-1644];

(2) the Board of Education, created by Section 3 of Act 169 of 1931, the same being Arkansas Statutes 80-102;

(3) the Arkansas Fire Protection Personnel Standards and Education Commission, created by Section 3 of Act 483 of 1975, the same being Arkansas Statutes 19-2153;

(4) the Pupil Discipline in Public Schools Commission, created by Section 1 of Act 214 of 1975;

(5) the School Self-Insurance Advisory Committee, created by Section 4 of Act 380 of 1973, the same being Arkansas Statutes 80-3512;

(6) the School Self-Insurance Program, created by Section 6 of Act 380 of 1973, the same being Arkansas Statutes 80-3514;

(7) the Library Building Commission, created by Section 2 of Act 341 of 1969;

(8) the Education Commission of the States, created by Section 1 of Act 22 of 1965 (Second Extraordinary Session), as amended, the same being Arkansas Statutes 80-4501;

(9) the Student Loan Board, created by Section 3 of Act 884 of 1975, the same being Arkansas Statutes 80-4018 [repealed];

(10) the Student Loan Guarantee Program, created by Section 2 of Act 27 of 1968 (First Extraordinary Session), the same being Arkansas Statutes 80-4013;

(11) the State Board of Higher Education, formerly the Commission on Coordination of Higher Educational Finance, created by Section 2 of Act 287 of 1971, the same being Arkansas Statutes 80-3349 [repealed];

(12) the Department of [Higher] Education, created by Section 9 of Act 38 of 1971, the same being Arkansas Statutes 5-909; and

(13) the Division of Community Junior Colleges within the Department of Higher Education, created by Section 6 of Act 287 of 1971, the same being Arkansas Statutes 80-3353 [repealed].

(b) The following State agencies, to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on Public Health, Welfare, and Labor:

(1) the Department of Health created by Section 11 of Act 38 of 1971, the same being Arkansas Statutes 5-911;

(2) the State Cancer Commission, created by Section 1 of Act 277 of 1945, as amended, the same being Arkansas Statutes 82-601, which was transferred to the Chronic Disease Division of the Department of Health by Section 11 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-911;

(3) the Office of Alcohol Abuse and Alcoholism, created by Section 3 of Act 50 of 1973, the same being Arkansas Statutes 83-720;

(4) the Disability Determination for Social Security Administration, created by Section 1 of Act 14 of 1961 (Second Extraordinary Session), the same being Arkansas Statutes 83-801;

(5) the Community Based Rehabilitation Council, created by Section 3 of Act 378 of 1975, the same being Arkansas Statutes 43-2341;

(6) the Alcohol Abuse Advisory Council, created by Section 4 of Act 50 of 1973, the same being Arkansas Statutes 83-721;

(7) the Division of Rehabilitative Services of the Department of Social and Rehabilitative Services, created by Section 12 of Act 38 of 1971, the same being Arkansas Statutes 5-912;

(8) the Division of Rehabilitative Services for the Blind, created by Section 12 of Act 38 of 1971, the same being Arkansas Statutes 5-912;

(9) The State Health Planning and Development Agency, located within the Department of Health, created by Section 1 of Act 558 of 1975, the same being Arkansas Statutes 82-3601 [§ 82-2307];

(10) the Blind Advisory Committee, created by Section 12 of Act 38 of 1971, the same being Arkansas Statutes 5-912;

(11) the Office of the Blind and Visually Impaired of the Department of Social and Rehabilitative Services, created by Section 12 of Act 38 of 1971, the same being Arkansas Statutes 5-912;

(12) the State Board of Veterinary Medical Examiners, created by Section 3 of Act 650 of 1975, the same being Arkansas Statutes 72-1134;

(13) the State Board of Sanitarians, created by Section 4 of Act 281 of 1957, the same being Arkansas Statutes 71-1604;

(14) the Psychology Examiners Board, created by Section 1 of Act 129 of 1955, the same being Arkansas Statutes 75-1501 [§ 72-1501];

(15) the Board of Podiatry, created by Section 2 of Act 610 of 1923, the same being Arkansas Statutes 72-302;

(16) the Wastewater Plant Operators Licensing Committee, created by § 2 of Act 211 of 1971, the same being Arkansas Statutes 82-1984;

(17) the Board of Pharmacy, created by Section 2 of Act 50 of 1891, the same being Arkansas Statutes 72-1002;

(18) the Board of Optometry, created by Section 2 of Act 94 of 1941, the same being Arkansas Statutes 72-802;

(19) the Inhalation Therapy Examination Committee, created by Section 3 of Act 168 of 1969, the same being Arkansas Statutes 72-1603;

(20) the Board of Hearing Aid Dispensers, created by Section 1 of Act 197 of 1969, the same being Arkansas Statutes 72-1701;

(21) the Board of Healing Arts, created by Section 3 of Act 187 of 1959, the same being Arkansas Statutes 72-123 [repealed];

(22) the Board of Embalmers and Funeral Directors, created by Section 1 of Act 412 of 1957, the same being Arkansas Statutes 71-901;

(23) the Board of Dental Examiners, created by Section 2 of Act 14 of 1955, the same being Arkansas Statutes 72-535;

(24) the Board of Chropractor Examiners, created by Section 1 of Act 26 of 1915, the same being Arkansas Statutes 72-401 [repealed];

(25) the Coal Mine Examining Board, created by Section 1 of Act 486 of 1919, the same being Arkansas Statutes 52-501;

(26) the Cemetery Board, created by Section 4 of Act 250 of 1953, the same being Arkansas Statutes 82-414 [repealed];

(27) the State Medical Board, created by Section 2 of Act 65 of 1955, the same being Arkansas Statutes 72-602; and

(28) the Board of Physical Therapy, created by Section 3 of Act 141 of 1959, the same being Arkansas Statutes 72-1319.

(c) The following State agencies, to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on City, County and Local Affairs:

(1) the Office of Economic Opportunity, which was transferred to the Department of Local Services by Section 1 of Act 278 of 1975, the same being Arkansas Statutes 5-904;

(2) the Department of Aeronautics, created by Section 1 of Act 457 of 1941, as amended, the same being Arkansas Statutes 74-102, which was transferred to the Department of Local Services by Section 4 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-904;

(3) the Special Committee on County Government, created by Section 1 of Act 135 of 1975; and

(4) the Municipal Corporation Board, created by § 2 of Act 145 of 1893, as amended, the same being Arkansas Statutes 19-208.

(d) The following State agencies, to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on Economic and Industrial Resources and Development:

(1) the Great River Road Division of the Department of Parks and Tourism, created by Section 7 of Act 38 of 1971, the same being Arkansas Statutes 5-907 [§ 1 of Act 496 of 1975, § 5-907.1];

(2) the Arkansas Science and Technology Council, created by Section 1 of Act 535 of 1971, the same being Arkansas Statutes 6-1101;

(3) the State Forestry Commission, created by Section 1 of Act 42 of 1953, the same being Arkansas Statutes 9-701.1, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(4) the Arkansas Geological Commission, created by Section 1 of Act 16 of 1963, the same being Arkansas Statutes 9-400, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(5) the Oil and Gas Commission, created by Section 2 of Act 105 of 1939, the same being Arkansas Statutes 53-101, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(6) the Division of Forestry of the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(7) the Division of Natural Resources of the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(8) the Arkansas Commerce Commission, created by Section 2 of Act 132 of 1957, the same being Arkansas Statutes 73-152, which was transferred to the Department of Commerce by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(9) the Arkansas Historical Preservation Program, created by Section 1 of Act 368 of 1969, the same being Arkansas Statutes 8-901 [repealed], which was transferred to the Department of Arkansas Natural and Cultural Heritage by Section 4 of Act 1001 of 1975, the same being Arkansas Statutes 5-923;

(10) the Arkansas Commemorative Commission, created by Section 1 of Act 256 of 1947, the same being Arkansas Statutes 8-201, which was transferred to the Department of Parks and Tourism by Section 7 of Act 38 of 1971, the same being Arkansas Statutes 5-907, which was transferred to the Department of Arkansas Natural and Cultural Heritage by Section 4 of Act 1001 of 1975, the same being Arkansas Statutes 5-923;

(11) the Arkansas Museum and Cultural Commission, created by Section 1 of Act 515 of 1971, the same being Arkansas Statutes 6-1202;

(12) the Arts and Humanities Advisory Council of the Department of Local Services, created by Section 3 of Act 359 of 1971, the same being Arkansas Statutes 6-1003;

(13) the State Committee on Stream Preservation, created by Section 1 of Act 437 of 1967, the same being Arkansas Statutes 9-1201, which was transferred to the Department of Arkansas Natural and Cultural Heritage by Section 4 of Act 1001 of 1975, the same being Arkansas Statutes 5-923;

(14) the Natural Heritage Commission, created by Section 4 of Act 112 of 1973, the same being Arkansas Statutes 9-1404;

(15) the Department of Natural and Cultural Heritage, created by Section 4 of Act 1001 of 1975, the same being Arkansas Statutes 5-923;

(16) the Environmental Preservation Commission, created by Section 4 of Act 112 of 1973, the same being Arkansas Statutes 9-1404, which was transferred to the Arkansas Natural Heritage Commission by Section 1 of Act 227 of 1975, the same being Arkansas Statutes 9-1404.1;

(17) the Arkansas Natural and Cultural Heritage Advisory Committee, created by Section 5 of Act 1001 of 1975, the same being Arkansas Statutes 5-925;

(18) the Office of the Arkansas State Arts and Humanities of the Department of Planning, created by Section 3 of Act 359 of 1971, the same being Arkansas Statutes 6-1003, which was transferred to the Department of Local Services by Section 4 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-904, which was transferred to the Department of Arkansas

Natural and Cultural Heritage by Section 4 of Act 1001 of 1975, the same being Arkansas Statutes 5-923;

(19) the Board of Registration for Foresters, created by §4 of Act 535 of 1969, as amended, the same being Arkansas Statutes 71-2404; and

(20) the War Decoration Commission, created by §1 of Act 172 of 1943, the same being Arkansas Statutes 11-1601.

(e) The following State agencies, to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on Judiciary;

(1) the Judicial Department, created by Section 1 of Act 496 of 1965, as amended, the same being Arkansas Statutes 22-142;

(2) the Justice Building Commission, created by Section 2 of Act 375 of 1955, as amended, the same being Arkansas Statutes 5-602;

(3) the Commission on Uniform State Laws, created by Section 1 of Act 159 of 1945, as amended, the same being Arkansas Statutes 6-401;

(4) the Information Practices Board, created by Section 4 of Act 730 of 1975, the same being Arkansas Statutes 16-804;

(5) the Investigator Licensing Board, created by Section 2 of Act 447 of 1965, the same being Arkansas Statutes 71-2102 [repealed];

(6) the Alcoholic Beverage Control Board, created by Section 2 of Act 113 of 1955, the same being Arkansas Statutes 48-1302.1; and

(7) the Prosecution Coordination Commission, created by Section 2 of Act 925 of 1975, the same being Arkansas Statutes 24-127.

(f) The following State agencies, to be terminated on June 30, 1981, shall be reviewed by the Joint Interim Committee on State Agencies and Governmental Affairs:

(1) the Arkansas State Board of Public Accountancy, created by Section 2 of Act of 1975, the same being Arkansas Statutes 71-612;

(2) the Revenue Department Building Commission, created by Section 2 of Act 38 of 1961 (First Extraordinary Session), as amended, the same being Arkansas Statutes Title 13 Appendix 12;

(3) the Soybean Promotion Board, created by Section 2 of Act 259 of 1971, the same being Arkansas Statutes 77-2002;

(4) the Saint Francis Levee District, created pursuant to Section 1 of Act 75 of 1929, as amended, the same being Arkansas Statutes 21-644;

(5) the Southern Interstate Nuclear Board, created by Section 1 of Act 429 of 1961, as amended, the same being Arkansas Statutes 9-1101;

(6) the Information Systems Executive Committee, created by Section 1 of Act 744 of 1975, the same being Arkansas Statutes 5-927;

(7) the Crime and Law Enforcement Commission, created by Executive Order 75-1;

(8) the Office on Aging, as transferred to the Department of Social and Rehabilitative Services by Section 4 of Act 38 of 1971, the same being Arkansas Statutes 5-904 (1973 Suppl.);.

(9) the Arkansas Veterans Service Office, created by Section 1 of Act 234 of 1945, the same being Arkansas Statutes 11-1401;

(10) the Arkansas Veterans Child Welfare Service, created by Section 1 of Act 189 of 1969, the same being Arkansas Statutes 11-1409;

(11) the Air National Guard, created by Section 23 of Act 50 of 1969, as amended, the same being Arkansas Statutes 11-203;

(12) the Board of Registration for Professional Engineers and Land Surveyors, created by Section 3 of Act 202 of 1925, as amended, the same being Arkansas Statutes 71-1003;

(13) the Office of the Adjutant General created by Section 10 of Act 50 of 1969, as amended, the same being Arkansas Statutes 11-110;

(14) the Arkansas Wing of the Civil Air Patrol, as transferred to the Department of Public Safety by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914;

(15) the State Militia, created by Section 2 of Act 85 of 1929, as amended, the same being Arkansas Statutes 11-102, which was transferred to the Department of Public Safety by Section 14 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-914; (and)

(16) the Office of Emergency Services, created by Section 5 of Act 511 of 1973, the same being Arkansas Statutes 11-1938[;]

(17) the Arkansas Police Commission created by § 2 of Act 231 of 1945, as amended, the same being Ark. Stat. 42-420 [§ 42-402]. [Acts 1977, No. 100, § 4, p. 71.]

Compiler's Notes. The bracketed word "Higher" in subsection (a)(12) and the bracketed semi-colon at the end of subdivision (f)(16) were inserted by the compiler.

The bracketed reference in subsection (d)(1) was inserted by the compiler, as this was the section that created the Great River Road Division.

The bracketed section number "80-1644" in subdivision (a)(1) of this section was inserted by the compiler as the intended reference.

The bracketed section number "82-2307" in subdivision (b)(9) was inserted by the compiler, since section 1 of Act 558 of 1975 is now compiled as § 82-2307.

The bracketed section number "72-1501" in subdivision (b)(14) was inserted by the compiler as the intended reference.

The bracketed section number "42-402" in subdivision (f)(17) of this section was inserted by the compiler as the intended reference.

The word "and" at the end of subdivision (f)(16) was placed in parentheses by the compiler as surplusage.

Sections 80-4018 referred to in subdivision (a)(9), 80-3349 referred to in subdivision (a) (11), 80-3353 referred to in subdivision (a)(13), 72-123 referred to in subdivision (b)(21), 72-401 referred to in subdivision (b)(24), 82-414 referred to in subdivision (b)(26), 8-901 referred to in subdivision (d)(9) and 71-2102 referred to in subdivision (e)(5) were repealed.

Section to Section References. This section is referred to in § 1207.

5-1205. Agencies terminating June 30, 1983.—The following State agencies shall terminate on June 30, 1983:

(a) The following State agencies, to be terminated on June 30, 1983, shall be reviewed by the Joint Interim Committee on Education:

(1) the Advisory Council for Vocational-Technical Education, created by Section 1 of Act 483 of 1973, the same being Arkansas Statutes 80-2570;

(2) the Advisory Committee of the State Board of Education, created by Section 3 of Act 416 of 1965, as amended, the same being Arkansas Statutes 80-4302;

(3) the Quapaw Vocational-Technical School; the Pines Vocational-Technical School; the Rich Mountain Vocational-Technical School; the Southwest Vocational-Technical School; the Twin Lakes Vocational-Technical School; the White River Vocational-Technical School; the Northwest Vocational-Technical School; the Gateway Vocational-Technical School; the Petit Jean Vocational-Technical School; the Ozarka Vocational-Technical School; the Ouachita Vocational-Technical School; the Oil Belt Vocational-Technical School; the Little Rock Vocational-Technical School; the Great Rivers Vocational-Technical School; the Forest Echoes Vocational-Technical School; the Arkansas Valley Vocational-Technical School; the Black River Vocational-Technical School; the Cossatot Vocational-Technical School; the Cotton Boll Vocational-Technical School; the Crowley's Ridge Vocational-Technical School; the Delta Vocational-Technical School; the Foothills Vocational-Technical School; the Rice Belt Vocational-Technical School; and the Red River Vocational-Technical School, as authorized by Section 3 of Act 328 of 1957, as amended, the same being Arkansas Statutes 80-2559;

(4) the Westark Community College and the Phillips County Community College, authorized by Section 5 of Act 103 of 1973, as amended, the same being Arkansas Statutes 80-4205 [repealed];

(5) the Arkansas Illiteracy Commission, created by Section 20 of Act 169 of 1931, the same being Arkansas Statutes 80-116;

(6) the Arkansas Advisory Council on Public Elementary and Secondary Education, created by Section 1 of Act 76 of 1963, the same being Arkansas Statutes 80-4101;

(7) the Arkansas Council on Children and Youth, created by Section 1 of Act 367 of 1947, the same being Arkansas Statutes 83-501;

(8) the Advisory Council for Education of the Handicapped, created by Section 15 of Act 102 of 1973, as amended, the same being Arkansas Statutes 80-2129;

(9) the Arkansas Post-Secondary Education Planning Commission, created by Section 1 of Act 926 of 1975, the same being Arkansas Statutes 80-3349.1; and

(10) the Library Board, created by Section 5 of Act 244 of 1927, as amended by same being Arkansas Statutes 17-1005.

(b) The following State agencies, to be terminated on June 30, 1983, shall be reviewed by the Joint Interim Committee on Public Health, Welfare, and Labor:

(1) the Department of Social and Rehabilitative Services [Department of Human Services], created by Section 12 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-912;

(2) the Division of Social Services of the Department of Social and Rehabilitative Services [Department of Human

Services], created by Section 12 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-912;

(3) the State Hospital Board, created by Section 1 of Act 433 of 1971, the same being Arkansas Statutes 59-201, which was transferred to the Department of Social and Rehabilitative Services [Department of Human Services], by Section 12 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-912;

(4) the Arkansas Children's Colony Board, created by Section 2 of Act 6 of 1955, the same being Arkansas Statutes 59-1102, and the Arkansas Children's Colony at Conway, McRae, Arkadelphia, Jonesboro, Booneville, and Warren, created pursuant to Section 1 of Act 186 of 1963, the same being Arkansas Statutes 59-1117, which were transferred to the Department of Social and Rehabilitative Services [Department of Human Services] by Section 12 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-912;

(5) the Arkansas Department of Mental Retardation and the Arkansas Board of Mental Retardation, created by Section 2 of Act 265 of 1969, the same being Arkansas Statutes 59-1002, which were transferred to the Department of Social and Rehabilitative Services [Department of Human Services] by Section 12 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-912;

(6) the Division of Rehabilitation of the Department of Social and Rehabilitative Services [Department of Human Services], created by Section 12 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-912;

(7) the State Department of Public Welfare, and the Board of Public Welfare, created by Section 2 of Act 280 of 1939, as amended, the same being Arkansas Statutes 83-102, which were transferred to the Department of Social and Rehabilitative Services [Department of Human Services] by Section 12 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-912;

(8) the Rehabilitation Service, created by Section 5 of Act 43 of 1955, as amended, the same being Arkansas Statutes 80-2544, and the Rehabilitation Services for the Blind, created by Section 1 of Act 180 of 1965, as amended, the same being Arkansas Statutes 80-2566, which were transferred to the Department of Social and Rehabilitative Services [Department of Human Services] by Section 12 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-912;

(9) the Arkansas Juvenile Training School Department, and the Arkansas Juvenile Training School Board, created by Section 2 of Act 20 of 1968 (First Extraordinary Session), the same being Arkansas Statutes 46-302 [repealed], which were transferred to the Department of Social and Rehabilitative Services [Department of Human Services] by Section 12 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-912;

(10) the Division of Mental Retardation and Developmental Disabilities Services of the Department of Social and Rehabilitative Services [Department of Human Services], created by

Section 2 of Act 340 of 1975, the same being Arkansas Statutes 5-912.2; and

(11) the State Board of Health, created by Section 1 of Act 96 of 1913, as amended, the same being Arkansas Statutes 82-101, which was transferred to the Department of Health by Section 11 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-911.

(12) the State Medical Examiner Commission, created by Section 1 of Act 321 of 1969, the same being Arkansas Statutes 42-611;

(13) the Board of Massage, created by Section 6 of Act 180 of 1951, the same being Arkansas Statutes 72-1205;

(14) the Radiation Control Agency, created by Section 4 of Act 8 of 1961 (2d Ex. Sess.), as amended, the same being Arkansas Statutes 82-1515;

(15) the Board of Examiners in Speech Pathology and Audiology, created by Section 4 of Act 277 of 1975, the same being Arkansas Statutes 72-1803;

(16) the Medical Services Advisory Commission, created by Section 1 of Act 372 of 1965, the same being Arkansas Statutes 7-601;

(17) the Mobile Home Commission, created by Section 14 of Act 510 of 1973, as amended, the same being Arkansas Statutes 82-3014 [repealed];

(18) the Employment Security Advisory Council, created by Section 11 of Act 391 of 1941, as amended, the same being Arkansas Statutes 81-1114;

(19) the State Board of Cosmetology, created by Section 2 of Article 1 of Act 358 of 1955, as amended, the same being Arkansas Statutes 71-815;

(20) the Social Work Registration Board, created by Section 2 of Act 899 of 1975, the same being Arkansas Statutes 71-2801;

(21) the Barber Examiners' Board, created by Section 15 of Act 313 of 1937, as amended, the same being Arkansas Statutes 71-515; and

(22) the State Board of Nursing, created by Section 3 of Act 432 of 1971, the same being Arkansas Statutes 72-747.

(23) the Plumber Licensing Division of the State Board of Health, created by § 2 of Act 200 of 1951, as amended, the same being Ark. Stat. 71-1206;

(24) the Plumbers Committee of Examiners created by § 3 of Act 200 of 1951, as amended, the same being Ark. Stat. 71-1207;

(25) the Arkansas Rural Medical Practice Student Loan and Scholarship Board created by § 1 of Act 131 of 1949, as amended, the same being Ark. Stat. 80-2908; and

(26) the Committee on Water Well Construction created by § 5 of Act 641 of 1969, the same being Ark. Stat. 21-2005.

(c) The following State agencies, to be terminated on June 30, 1983, shall be reviewed by the Joint Interim Committee on Economic and Industrial Resources and Development:

(1) the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(2) the Division of Finance of the Department of Commerce, created by Section 16 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-916;

(3) the State Energy Office, created by Executive Order 73-11;

(4) the Division of Land Surveys of the State Land Commission, created by Section 1 of Act 458 of 1973, the same being Arkansas Statutes 10-1301, which was transferred to the Department of Commerce by Section 1 of Act 579 of 1975, the same being Arkansas Statutes 10-1313;

(5) the Interstate Oil Compact Commission, created by Section 2 of Act 86 of 1941, as amended, the same being Arkansas Statutes 53-802;

(6) the Land Survey Advisory Board, created by Section 4 of Act 458 of 1973, the same being Arkansas Statutes 10-1304;

(7) the Department of Industrial Development, created by Section 6 of Act 38 of 1971, as amended, the same being Arkansas Statutes 5-906;

(8) the Overseas Program of the Department of Industrial Development, created by Section 2 of Act 1015 of 1975 (1976 Extended Session), the same being Arkansas Statutes 9-513.1;

(9) the Arkansas Industrial Development Commission, created by Section 1 of Act 404 of 1975, the same being Arkansas Statutes 9-505; and

(10) the Soil and Water Conservation Commission, created by Section 1 of Act 14 of 1963, as amended, the same being Arkansas Statutes 9-118.

(d) The following State agencies, to be terminated on June 30, 1983, shall be reviewed by the Joint Interim Committee on State Agencies and Governmental Affairs:

(1) the Board of Registration of Professional Soil Classifiers, created by Section 1 of Act 460 of 1975, the same being Arkansas Statutes 71-2701;

(2) the Contractors' Licensing Board, created by Section 2 of Act 150 of 1965, the same being Arkansas Statutes 71-702;

(3) the Capitol Art Commission, created by Section 1 of Act 22 of 1911, the same being Arkansas Statutes 5-216;

(4) the State Board of Collection Agencies, created by Section 3 of Act 145 of 1965, the same being Arkansas Statutes 71-2003;

(5) the Consumer Advisory Board, created by Section 3 of Act 92 of 1971, the same being Arkansas Statutes 70-903;

(6) the Advisory Committee for Registration of Landscape Architects, created by Section 3 of Act 353 of 1975, the same being Arkansas Statutes 71-2902;

(7) the Arkansas State Board of Architects, created by Section 1 of Act 270 of 1941, as amended, the same being Arkansas Statutes 71-301;

(8) the Abstractors Board of Examiners, created by Section 3 of Act 109 of 1969, the same being Arkansas Statutes 71-111;

(9) the Emergency Services Advisory Council, created by Section 6 of Act 511 of 1973, the same being Arkansas Statutes 11-1939;

(10) the Real Estate Commission, created by Section 3 of Act 148 of 1929, as amended, the same being Arkansas Statutes 71-1303;

(11) the Athletic Commission, created by Section 2 of Act 131 of 1927, the same being Arkansas Statutes 84-2903;

(12) the State Employees' Insurance Advisory Committee, created by Section 1 of Act 48 of 1972 (Ex. Session), the same being Arkansas Statutes 12-3101;

(13) the Surveying Commission, created by Section 1 of Act 363 of 1969, the same being Arkansas Statutes 6-901; and

(14) the Election Commissioners' Board, created by Section 2 of Article 5 of Act 465 of 1969, the same being Arkansas Statutes 3-502. [Acts 1977, No. 100, § 5, p. 71.]

Compiler's Notes. The bracketed words "Department of Human Services" in subsections (b) (1)-(10) were inserted by the compiler since the name of the Department of Social and Rehabilitative Services has been changed to the Department of Human Services by § 5-912a.

Section 80-4205, referred to in subdivision (a)(4), was repealed by Acts 1977, No. 560, § 28.

Section 46-302, referred to in subdivision (b)(9), was repealed by Acts 1977, No. 502, § 18.

Section 82-3014, referred to in subdivision (b)(17), was repealed by Acts 1977, No. 419, § 15.

Section to Section References. This section is referred to in § 5-1207.

5-1206. Method of re-establishment.—Any State Agency scheduled for termination under the provisions of this Act [§§ 5-1201—5-1212] may be continued or re-established by the General Assembly by the adoption of a law providing for the re-establishment thereof. [Acts 1977, No. 100, § 6, p. 71.]

5-1207. Performance audit prior to termination.—The Division of Legislative Audit shall cooperate with the various Joint Interim Committees in making performance audits and/or providing summary audit information that may be requested by the several Joint Interim Committees in connection with their study and review of the various State agencies enumerated in Sections 3 through 5 [§§ 5-1203—5-1205] of this Act. Each Joint Interim Committee requesting performance audits shall submit its request to the Legislative Auditor, and if the Legislative Auditor determines that there are more requests for performance audits than can be undertaken and completed by the available auditing staff, he shall submit such request to the Legislative Joint Auditing Committee, and said Committee shall instruct the Legislative Auditor with respect to the performance audits to be undertaken and the priorities thereof. Upon completion of performance audits and/or summary audit reports requested by the respective Joint Interim Committees, the Division of Legislative Audit shall present copies thereof to the appropriate Joint Interim Committee which has the State agency under review, and shall make itself available to such Committee for the purpose of reviewing the audit reports and/or information.

If the Joint Interim Committees to which State agencies are referred for review under the provisions of this Act [§§ 5-1201—5-1212] shall specifically request in writing a report from the Governor containing his recommendations for continuation, abolition, or modification of each of the State agencies and the divisions and programs thereof, which are under consideration by the Joint Interim Committees, failure by the Governor to file such a report with the Committees shall not prohibit the Committees from proceeding with their duties under this Act. [Acts 1977, No. 100, § 7, p. 71; 1977 (Ex. Sess.), No. 12, § 1, p. 2479.]

Amendments. The 1977 amendment, by No. 12 (Ex. Sess.), § 1 substituted the present first paragraph for one which read, "The Division of Legislative Audit shall cause to be conducted a performance audit of each State agency and the respective divisions and programs thereof, which are scheduled for termination under this Act. The performance audit shall be completed at least three (3) months prior to the time established by this Act for the termination of the State agency. In conducting the audit, the Division of Legislative Audit shall take into consideration, but shall not be limited to, the factors listed in Section 8 of this Act. Upon completion of the audit report, the Division of Legislative Audit shall present copies thereof to the members of the appropriate Joint Interim Committee which has the State agency under review, and shall make itself available to such Committee for the purpose of reviewing the audit report."

Emergency. Section 2 of Acts 1977 (Ex. Sess.), No 12 read: "It is hereby found and determined that Act 100 of 1977 mandated the Division of Legislative Audit to make performance audits of the various State agencies to be reviewed by the several Joint Interim Committees under the provisions of said Act 100; that approximately one hundred twenty (120) State agencies are to be reviewed by the Joint Interim Committees during the 1977-78 biennium, and it will be impossible for the staff of the Division of Legislative Audit to make performance audits of each of these agencies; and that the immediate passage of this Act is necessary to amend Section 7 of Act 100 of 1977 to permit the Division of Legislative Audit to make performance audits when requested by the respective Joint Interim Committees, and to furnish other audit information upon request, yet relieving the Division of Legislative Audit of the responsibility of making performance audits on all such agencies; and that the immediate passage of this Act is necessary to accomplish such purpose and to expedite the work of the Joint Interim Committees during the current biennium. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval." Approved August 15, 1977.

5-1208. Public hearings prior to termination—Determination by joint interim committee.—Prior to termination, continuation, or re-establishment of any State agency, the Joint Interim Committee which is assigned the responsibility for reviewing such State agency and the various divisions and programs thereof, shall hold one or more public hearings and receive testimony from the public and the Executive Director or administrative head of the State Agency, including such division directors or other employees thereof as the Committee may deem appropriate, and in such a hearing the State agency shall have the burden of demonstrating a public need for its continued existence and shall cooperate with the Committee in determining such changes, modifications, or revisions in the role, duties, and purposes of the agency which might promote the efficiency of the administration or operation of the agency, if continued.

In such hearings, the determination made by the respective Joint Interim Committee as to whether a State agency assigned to it for review has demonstrated a public need for its continued existence, shall take into conideration the following factors, among others:

(a) the extent to which the State agency and the respective divisions, programs, and services thereof have served the public as intended by law;

(b) the extent to which the State agency has complied with the laws and statutes defining its powers and duties;

(c) the extent to which the State agency's operations have been impeded or enhanced by existing statutes, procedures, and practices of the State of Arkansas, or of other State agencies, and any other circumstances, including budgetary, resources, and personnel matters, which may have adversely affected the agency's operation;

(d) the extent to which the State agency has complied with the Administrative Procedures Act [§§ 5-701—5-715] in the promulgation of rules and regulations and the giving of notice and holding of formal hearings on all matters covered by the State Administrative Procedures Act [§§ 5-701—5-715];

(e) the extent to which public representation is provided by law on the various boards and commissions which regulate the various occupational and professional licensing boards and other regulatory agencies, and the extent to which public input is utilized;

(f) the extent to which State agencies have encouraged participation by the public in making its rules and decisions, as opposed to participation solely by persons it regulates; and

(g) the extent and efficiency with which public complaints filed with a State agency have been processed by the State agency and its personnel, and by other applicable departments of State government, to determine whether the agency is satisfactorily rendering service to the public with respect to formal and informal complaints. [Acts 1977, No. 100, § 8, p. 71.]

5-1209. Administration of laws governing agencies.—(a) In the event an agency shall cease to exist pursuant to this Act [§§ 5-1201—5-1212], the laws governing its powers , duties, and functions are not repealed, but shall be administered by some other State agency, if so designated by the General Assembly, unless the General Assembly specifically repealed the laws establishing such powers, duties, and fuctions.

(b) In the event the General Assembly shall enact laws continuing the existence of an agency which, under the provisions of this Act, would have terminated without such extension, said agency shall continue to perform the functions, powers, and duties imposed upon such agency by the laws of this State, unless said laws have been specifically amended or repealed or the powers, duties, and functions were transferred to another State agency. [Acts 1977, No. 100, § 9, p. 71.]

5-1210. Claims against agencies not diminished.—This Act [§§ 5-1201—5-1212] shall not cause the dismissal of claims of the public or individuals against any State agency, or any claim or right of a State agency terminated pursuant to this Act which is subject to litigation. [Acts 1977, No. 100, § 10, p. 71.]

5-1211. Recommendations of joint interim committees—Consolidated report.—Each of the respective Joint Interim Committees of the General Assembly assigned to the responsibility for reviewing State agencies which are scheduled to terminate on or before June 30 of the year in which the regular session of the General Assembly convenes, shall conclude their studies and file recommendations with the Joint Interim Committee on State Agencies and Governmental Affairs, on or before September 1 of the year preceding the convening of the next regular session of the General Assembly, containing the recommendations of the Committee with respect to those State agencies which, in the opinion of the Committee should be continued. Such recommendations shall be one of the following: (1) that the State agency be continued; (2) that the State agency be continued, but that its duties be revised or it be consolidated with some other agency; or (3) that the State agency be terminated by law. Provided, that if the Committee does not make a recommendation with respect to a State agency, such action shall be construed as a recommendation that the State agency terminate. In the event the Joint Interim Committee shall recommend that the State agency be continued, but that its duties be revised or that it be consolidated with some other State agency, the report of the Committee shall specifically outline recommendations on consolidation recommended by the Committee.

Upon receipt of the reports of the respective Joint Interim Committees, the Joint Interim Committee on State Agencies and Governmental Affairs shall consolidate all such reports and shall review the same and hold additional hearings, if the Joint Interim Committee on State Agencies and Governmental Affairs determines the same is necessary, to enable said Committee to file a consolidated report with the next regular session of the General Assembly outlining the findings and recommendations of the respective Joint Interim Committees, including such additional recommendations that the Joint Interim Committee on State Agencies and Governmental Affairs shall deem appropriate. The consolidated report of the Joint Interim Committee on State Agencies and Governmental Affairs shall be filed with the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and each member of the House of Representatives and Senate, the Governor, and the Secretary of State. [Acts 1977, No. 100, § 11, p. 71.]

5-1212. Assistance of bureau of legislative research.—The Bureau of Legislative Research of the Arkansas Legislative Council shall provide staff, secretarial, and technical assistance to the Joint Interim Committees in making the studies and reviews of the respective State agencies scheduled for termination under the provisions of this Act [§§ 5-1201—5-1212]. [Acts 1977, No. 100, § 12, p. 71.]

COLORADO

GENERAL ASSEMBLY REVIEW OF REGULATORY AGENCIES FOR TERMINATION

Colo. Rev. Stat. Ann. §24-34-104 et seq. (1979 Cum. Supp.); S.B. 317, Laws 1981, approved June 10, 1981.

24-34-104. General assembly review of regulatory agencies for termination, continuation, or reestablishment. (1) The general assembly finds that state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations and that the whole process developed without sufficient legislative oversight, regulatory accountability, or a system of checks and balances. The general assembly further finds that regulatory agencies tend to become unnecessarily restrictive. The general assembly further finds that, by establishing a system for the termination, continuation, or reestablishment of such agencies and providing for the analysis and evaluation of such agencies to determine the least restrictive regulation consistent with the public interest, it will be in a better position to evaluate the need for the continued existence of existing and future regulatory bodies.

(2)(a) The following divisions in the department of regulatory agencies shall terminate on July 1, 1977:

(I) Repealed, L. 78, p. 395, § 2, effective July 1, 1978.

(II) Repealed, L. 78, p. 396, § 2, effective July 1, 1978.

(III) Repealed, L. 77, p. 1205, § 2, effective July 1, 1977.

(b) The following boards and agencies in the division of registrations shall terminate on July 1, 1977:

(I) Repealed, L. 77, p. 626, § 1, effective July 1, 1977.

(II) Repealed, L. 78, p. 267, § 69, effective May 23, 1978.

(III) Repealed, L. 77, p. 633, § 8, effective July 1, 1977.

(IV) Repealed, L. 78, p. 267, § 69, effective May 23, 1978.

(V) Repealed, L. 78, p. 351, § 3, effective July 1, 1978.

(VI) Repealed, L. 77, p. 1292, § 14, effective July 1, 1977.

(VII) Repealed, L. 78, p. 267, § 70, effective May 23, 1978.

(VIII) Repealed, L. 78, p. 337, § 3, effective April 4, 1978.

(IX) Repealed, L. 78, p. 315, § 5, effective July 1, 1978.

(X) Repealed, L. 78, p. 267, § 71, effective July 1, 1978.

(2.5) Repealed, L. 78, p. 326, § 17, effective July 1, 1978.

(3)(a) Repealed, L. 79, pp. 568, 940, §§ 5, 4, effective July 1, 1979.

(b) The following boards and agencies in the division of registrations shall terminate on July 1, 1979:

(I) Repealed, L. 79, pp. 568, 572, §§ 5, 9, effective July 1, 1979.

(II) Repealed, L. 79, p. 495, § 18, effective July 1, 1979.

(III) Repealed, L. 79, p. 506, § 17, effective July 1, 1979.

(IV) (Amended out).

Editor's note: The amendments made to this subparagraph (IV) by § 11 of chapter 105 and § 27 of chapter 108. Session Laws of Colorado 1979, resulted in the total deletion of all provisions of the subparagraph.

(V) State board of nursing, created by part 2 of article 38 of title 12 C.R.S. 1973;

(VI) Board of practical nursing, created by part 1 of article 38 of title 12, C.R.S. 1973;

(VII) Repealed, L. 79, p. 535, § 14, effective June 7, 1979.

(VIII) Repealed, L. 79, p. 469, § 4, effective July 1, 1979.

(IX) Repealed, L. 79, p. 918, § 2, effective July 1, 1979.

(X) Repealed, L. 79, p. 917, § 2, effective July 1, 1979.

(3.1) Repealed, L. 79, p. 553, § 1, effective March 1, 1980.

(4)(a) The following divisions in the department of regulatory agencies shall terminate on July 1, 1981:

(I) The division of banking, created by article 2 of title 11, C.R.S. 1973;

(II) The division of savings and loan, created by article 44 of title 11, C.R.S. 1973;

(III) The division of securities, created by article 51 of title 11, C.R.S. 1973;

(b) The following boards and agencies in the division of registrations shall terminate on July 1, 1981:

(I) Repealed, L. 76. p. 429, § 2.

(II) Colorado state board of examiners of architects, created by article 4 of title 12, C.R.S. 1973;

(III) Abstractors' board of examiners, created by article 1 of title 12, C.R.S. 1973;

(IV) State board of accountancy, created by article 2 of title 12, C.R.S. 1973;

(V) State board of registration for professional engineers and land surveyors, created by part 1 of article 25 of title 12, C.R.S. 1973;

(VI) Colorado state board of psychologist examiners, created by article 43 of title 12, C.R.S. 1973;

(VII) Examining board of plumbers, created by article 58 of title 12, C.R.S. 1973;

(VIII) Repealed, L. 77, p. 1204, § 2, effective May 26, 1977.

(IX) Board of hearing aid dealers, created by article 65 of title 12, C.R.S. 1973;

(X) State board of social worker examiners, created by part 1 of article 63.5 of title 12, C.R.S. 1973;

(XI) Colorado mobile home licensing board, created by article 51.5 of title 12, C.R.S. 1973;

(XII) State board of barbers and cosmetologists, created by article 8 of title 12, C.R.S. 1973;

(XIII) Board of mortuary science, created by section 12-54-104, C.R.S. 1973.

(4.1)(a) The following divisions in the department of regulatory agencies shall terminate on July 1, 1983:

(I) The division of insurance, created by sections 10-1-103 and 10-1-104, C.R.S. 1973;

(II) The division of racing events, including the Colorado racing commission, created by article 60 of title 12, C.R.S. 1973;

(III) The public utilities commission, created by article 2 of title 40, C.R.S. 1973.

(b) The following boards and agencies in the division of registrations shall terminate on July 1, 1983:

(I) Passenger tramway safety board, created by part 7 of article 5 of title 25, C.R.S. 1973;

(II) The board of examiners of life care institutions, created by article 13 of title 12, C.R.S. 1973;

(III) Board of examiners of nursing home administrators, created by article 39 of title 12, C.R.S. 1973:

(4.2) The following boards and agencies in the division of registrations shall terminate on July 1, 1984:

(a) State electrical board, created by article 23 of title 12, C.R.S. 1973;

(b) The state board of pharmacy, created by part 1 of article 22 of title 12, C.R.S. 1973.

(4.3)(a) The following divisions in the department of regulatory agencies shall terminate on July 1, 1985:

(I) The real estate commission, created by part 1 of article 61 of title 12, C.R.S. 1973;

(II) The division of civil rights, including the Colorado civil rights commission, created by part 3 of this article.

(b) The following boards and agencies in the division of registrations shall terminate on July 1, 1985:

(I) The Colorado podiatry board, created by article 32 of title 12, C.R.S. 1973;

(II) Colorado state board of chiropractic examiners, created by article 33 of title 12, C.R.S. 1973;

(III) The state board of dental examiners, created by article 35 of title 12, C.R.S. 1973;

(IV) The Colorado state board of medical examiners, created by article 36 of title 12, C.R.S. 1973;

(V) The state board of optometric examiners, created by article 40 of title 12, C.R.S. 1973;

(VI) The state board physical therapy, created by article 41 of title 12, C.R.S. 1973.

(4.5) The following boards and agencies in the division of registrations shall terminate on July 1, 1987: The state board of veterinary medicine, created by article 64 of title 12, C.R.S. 1973.

(5)(a) The divisions in the department of regulatory agencies and the boards and agencies in the division of registrations shall terminate according to the termination schedule outlined in this section.

(b) Upon termination, each division, board, or agency shall continue in existence until July 1 of the next succeeding year for the purpose of winding up its affairs. During the wind-up period, termination shall not reduce or otherwise limit the powers or authority of each respective agency; except that every license issued or renewed during the wind-up period shall expire at the end of said period, and original license and renewal fees shall be prorated accordingly. Upon the expiration of one year after termination, each respective agency shall cease all activities. When a license issued or renewed prior to termination is scheduled to expire after the cessation of activities, the license shall expire at the end of the wind-up period, and the agency shall refund the portion of the license fee paid which is attributable to the period following the cessation of activities. Any criminal penalty for engaging in any profession or activity without being licensed therefor shall not be enforceable with respect to activities occurring after an agency has ceased its activities pursuant to this section.

(5.5) Whenever the state constitution imposes any powers, duties, or functions on an agency or officer subject to the provisions of this section and such agency or officer is terminated and the general assembly does not designate another agency or officer to exercise such powers or perform such duties and functions, such agency or officer shall continue in existence, after the one-year wind-up period, under the principal department as if the agency or officer were transferred to the department by a type 2 transfer, as defined in section 24-1-105, until the general assembly shall otherwise designate.

(6) Whenever the state constitution imposes any powers, duties, or functions on an agency or officer subject to the provisions of this section and such agency or officer is terminated and the general assembly does not designate another agency or officer to exercise such powers or perform such duties and functions, such agency or officer shall continue in existence, after the one-year wind-up period, under the principal department as if the agency or officer were transferred to the department by a type 2 transfer, as defined in section 24-1-105, until the general assembly shall otherwise designate.

(7) The life of any division, board, or agency scheduled for termination under this section may be continued or reestablished by the general assembly for periods not to exceed ten years. Any newly created division, board, or agency in the department of regulatory agencies shall have a life not to exceed six years and shall be subject to the provisions of this section.

(8)(a) The department of regulatory agencies shall conduct an analysis and evaluation of the performance of each division, board, or agency scheduled for termination under this section. The analysis and evaluation shall be completed at least twelve months prior to the date established by this section for termination. In conducting the analysis and evaluation, the department of regulatory agencies shall take into consideration, but not be limited to considering, the factors listed in paragraph (b) of subsection (9) of this section. The department of regulatory agencies shall submit a report, and such supporting materials as may be requested, to the legislative council no later than July 1 of the year preceding the date established for termination, and a copy of said report shall be made available to each member of the general assembly.

(b) On and after July 1, 1984, the analysis and evaluation required by paragraph (a) of this subsection (8) shall be conducted by the department of administration.

(c) During the final year that the department of regulatory agencies conducts the analyses and evaluations of agencies subject to termination under this section, the legislative council shall conduct a performance audit of the department, but such audit shall be limited to a consideration of how the department performed the function of analysis and evaluation required by paragraph (a) of this subsection (8). The legislative council shall report its findings to the next regular session of the general assembly.

(9)(a) Prior to the termination, continuation, or reestablishment of any such agency, the legislative council, sitting as an interim committee, or a single special committee appointed by the legislative council, during the interim preceding each regular session shall hold public hearings to receive testimony from the public, the executive director of the department of regulatory agencies, and the agencies involved, and, in such hearing, each agency shall have the burden of demonstrating a public need for its continued existence and that its regulation is the least restrictive regulation consistent with the public interest.

(b) In such hearings, the determination as to whether an agency has demonstrated a public need for its continued existence and for the degree of regulation it practices shall be based on the following factors, among others:

(I) Whether regulation by the agency is necessary to protect the public health, safety, and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less, or the same degree of regulation;

(II) If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether agency rules enhance the public interest and are within the scope of legislative intent;

(III) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices of the department of regulatory agencies and any other circumstances, including budgetary, resource, and personnel matters;

(IV) Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;

(V) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;

(VI) The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competiton;

(VII) Whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest of self-serving to the profession;

(VIII) Whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry rquirements encourage affirmative action;

(IX) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

(c) The legislative council, or its special committee, shall report its findings and recommendations to the next regular session of the general assembly, said report to include whether or not each agency should be terminated, continued, or reestablished or whether its functions should be revised.

(d) Prior to the termination, continuation, reestablishment, or revision of an agency's functions, a committee of reference in each house of the general assembly shall hold a public hearing thereon to consider the reports provided prior to July 1, 1984, by the department of regulatory agencies, or, on and or after July 1, 1984, by the department of administration, and the legislative council or its special committee, said hearing to include the factors and testimony set forth in paragraph (b) of this subsection (9).

(10) If no action has been taken to extend the life of an agency scheduled to be terminated on July 1 of an even-numbered year because the subject was not designated in writing by the governor during the first ten days of the legislative session, pursuant to section 7 of article V of the state constitution, the agency shall not be terminated until July 1 of the next subsequent odd-numbered year, prior to which time the general assembly may reconsider the termination, continuation, or reestablishment of such agency.

(11)(a) Pursuant to the process established in this section, no more than one such division, board, or agency shall be continued or reestablished or its functions amended in any bill for an act, and such division, board, or agency shall be mentioned in the bill's title.

(b) This section shall not cause the dismissal of any claim or right of a person through or against any such agency or any claim or right of an agency which has ceased its activities pursuant to this section which is or may be subject to litigation. Any person may pursue said claims or rights through or against the department of regulatory agencies, and said claims and rights of an agency which has ceased its activities shall be assumed by the department of regulatory agencies. Nothing in this section shall interfere with the general assembly otherwise considering legislation on any division, board, agency, or similar body existing within the department of regulatory agencies.

(12) When an agency is terminated pursuant to the provisions of this section and the general assembly reestablishes the agency during its wind-up period with substantially the same powers, duties, and functions, the agency shall be deemed to have been continued.

Source: Added and (4)(b)(I) repealed, L. 76, pp. 617, 429, §§1, 2; (2)(a)(III), (2)(b)(I), (2)(b)(III), (2)(b)(VI), and (4)(b)(VIII) repealed, (2.5), (3.1), (4)(b)(XII), (4.1)(a), (4.1)(b), (5.5), and (12) added, and (5), (7), (9), and (11) amended; L. 77, pp. 1205, 626, 633, 1292, 1204, 718, 623, 1288, 1206. §§2, 1, 8, 14, 2, 1, 4, 3, 1, 1, 1; (2)(a)(I), (2)(a)(II), (2)(b)(II), (2)(b)(IV), (2)(b)(V), (2)(b)(VII), (2)(b)(VIII), (2)(b)(IX), (2)(b)(X), and (2.5) repealed, (4)(b)(XIII) and (4.2) added, and (4.1)(a), (4.1)(b), and (7) amended, L. 78, pp. 395, 396, 267, 351, 337, 315, 326, 351, 325, 3, 70, §§2, 2, 69, 3, 70, 3, 5, 71, 17, 2, 16, 1, 4, 1; (3)(a)(III), (4.2)(b), (4.3)(a)(I), (4.3)(a)(II), (4.3)(b)(I) to (4.3)(b)(VI), (4.5), and (8)(b)(X) added, (3)(a), (3)(b)(I) to (3)(b)III), (3)(b)(VII), to (3)(b)(X), and (3.1) repealed, and (3)(b)(IV) amended, L. 79, pp. 571, 469, 567, 922, 486, 495, 506, 523, 535, 918, 917, 568, 940, 572, 553, §§8, 3, 2, 2, 11, 17, 16, 27, 13, 1, 1, 4, 5, 4, 9, 18, 17, 14, 4, 2, 2, 1.

Editor's note: The division of insurance, which is scheduled for termination pursuant to subparagraph (I) of paragraph (a) of subsection (4.l), exercise certain powers, duties, and functions concerning: Bail bondsmen, as provided for in article 7 of title 12. C.R.S. 1973: cemeteries. Provided for in article 12 of title 12. C.R.S. 1973; and motor clubs, as provided for in article of title 12. C.R.S. 1973.

24-34-105; Fee adjustments—division of registrations cash fund—created. (1) This section shall apply to all activities of the boards and commissions the division of registrations in the department of regulatory agencies.

(2)(a) Each board and commission in the division of registrations shall propose, as part of its annual budget request, an adjustment in the amount of each fee which such board or commission is authorized by law to collect. The budget request and the adjusted fees for each board or commission shall reflect direct and indirect costs.

(b) Based upon the appropriation made and subject to the approval of the executive director of the department of regulatory agencies, each board or commission shall adjust its fees so that the revenue generated from said fees approximates its direct and indirect costs. Such fees shall remain in effect for the fiscal year for which the budget request applies. All fees collected by each board and commission shall be transmitted to the state treasurer, who shall credit the same to the division of registrations cash fund, which fund is hereby created. All moneys credited to the division of registrations cash fund shall be used as provided in this section and shall not be deposited in or transferred to the general fund of this state or any other fund.

(c) Beginning July 1, 1979, and each July 1 thereafter, whenever moneys appropriated to a board or commission for its activities for the prior fiscal year are unexpended, said moneys shall be made a part of the appropriation to such board or commission for the next fiscal year, and such amount shall not be raised from fees collected by such board or commission. If a supplemental appropriation is made to a board or commission for its activities, the fees of such board or commission, when adjusted for the fiscal year next following that in which the supplemental appropriation was made, shall be adjusted by an additional amount which is sufficient to compensate for such supplemental appropriation. Funds appropriated to a board or commission in the annual long appropriation bill shall be designated as cash funds and shall not exceed the amount anticipated to be raised from fees collected by such board or commission.

Source: Added. L. 78, p. 398, § 1:(2)(b) amended, L. 79, p. 915, § 2.

CONNECTICUT

CONNECTICUT SUNSET LAW

Conn. Gen. Stat. Ann. § 2c-1 et seq. (1981 Cum. Ann. Pocket Part)

TITLE 2c
REVIEW AND TERMINATION OF GOVERNMENTAL ENTITIES AND PROGRAMS
[NEW]

Chapter | Section
28 Connecticut Sunset Law [New] 2c-1

CHAPTER 28

CONNECTICUT SUNSET LAW

Sec.
2c-1. Legislative finding.
2c-2. Governmental entities and programs terminated on July 1, 1981, July 1, 1982, July 1, 1983, July 1, 1984 and July 1, 1985.
2c-3a. Termination of ombudsmen office under sunset law.
2c-3. Performance audits by legislative program review and investigations committee.
2c-4. Report to general assembly.
2c-5. Government administration and elections committee to hold public hearing prior to termination, modification, consolidation or reestablishment of government entity or program.
2c-6. Governmental entity to demonstrate public need. Recommendation by government administration and elections committee.
2c-7. Criteria for determining public need.
2c-8. Criteria for determining whether a regulatory entity or program has served the general public.
2c-9. Terminated entity or program to continue for one year for purpose of concluding its afairs.
2c-10. Reestablishment of entity or program by general assembly.
2c-11. Termination of entity not to affect any claim, right or cause of action.
2c-12. Early termination of entity or program, other legislation, not prohibited.

§ 2c-1. Legislative finding

The general assembly finds that there has been a proliferation of governmental entities and programs, and that this proliferation has occurred without sufficient legislative oversight or regulatory accountability. The general assembly further finds that there is a need for periodic comprehensive review of certain entities and programs, and for the termination or modification of those which do not significantly benefit the public health, safety or welfare. (1977, P.A. 77-614, § 572, eff. Jan. 1, 1979.)

§ 2c-2. Governmental entities and programs terminated on July 1, 1981; July 1, 1982; July 1, 1983; July 1, 1984, and July 1, 1985

(a) Repealed. (1980, P.A. 80-349, § 4, eff. July 1, 1980; 1980, P.A. 80-484, § 175, eff. July 1, 1980.)

(b) The following governmental entities and programs are terminated, effective July 1, 1981, unless reestablished in accordance with the provisions of section 2c-10:

(1) State board of registration for sanitarians, established under section 20-359;

(2) State board of subsurface sewage disposal system examiners, established under section 20-341b;

(3) Program of regulation of bedding, upholstered furniture and second-hand hats, established by sections 19-419 to 19-425, inclusive;

(4) Regional mental health boards, established under section 17-226*l*;

(5) Veterans home and hospital commission, established under section 27-104;

(6) All advisory boards for state hospitals and facilities, established under section 17-213a;

(7) Connecticut state alcohol advisory council, established under subsection (b) of section 17-155m;

(8) State board of examiners for physical therapists, established under section 20-67;

(9) Board of mental health, established under section 17-207;

(10) Commission on hospitals and health care, established under section 19-73c;

(11) Commission on medicolegal investigations, established under subsection (a) of section 19-526a; and

(12) Connecticut state drug advisory council, established under section 17-155jj.

(c) The following governmental entities and programs are terminated, effective July 1, 1982, unless reestablished in accordance with the provisions of section 2c-10:

(1) Connecticut justice commission, established under section 29-181;

(2) Commission on pharmacy, established under section 20-163;

(3) Municipal police training council, established under section 7-294b;

(4) Connecticut well drilling board, established under section 25-127;

(5) Board of materials reviews, established under subsection (a) of section 19-399;

(6) Connecticut state board of landscape architects, established under section 20-368;

(7) State board of registration for professional engineers and land surveyors, established under section 20-300;

(8) Connecticut real estate commission, established under section 20-311a;

(9) State boards for occupational licensing, established under section 20-331;

(10) Board of firearms permit examiners, established under section 29-32b;

(11) State building code standards committee, established under section 19-395f;

(12) State commission on demolition, established under section 19-403;

(13) State fire code standards committee, established under section 29-39a;

(14) Advisory committee on organized crime prevention and control, established under section 29-165;

(15) Commission of fire prevention and control, established under section 7-323k;

(16) Consumers advisory council, established under section 19-170b; and

(17) Liquor control commission, established under section 30-2.

(d) The following governmental entities and programs are terminated, effective July 1, 1983, unless reestablished in accordance with the provisions of section 2c-10:

(1) State insurance purchasing board, established under section 4-37a;

(2) Connecticut marketing authority, established under section 22-63;

(3) Occupational safety and health review committee, established under section 31-376;

(4) Power facility evaluation council, established under section 16-50j;

(5) Connecticut public transportation authority, established under section 13b-11a;

(6) State board of accountancy, established under section 20-279;

(7) State board of television and radio service examiners, established under section 20-343;

(8) Repealed. (1980, P.A. 80-482, §346, eff. July 1, 1980.)

(9) Advisory committee on high unemployment, established under section 32-3b;

(10) State milk regulation board, established under section 22-131;

(11) State tree protection examining board, established under section 23-61a;

(12) Council on environmental quality, established under section 22a-11;

(13) Council on water company lands established under section 16-49b;

(14) Connecticut agricultural experiment station, established under section 22-79;

(15) Employment security board of review, established under section 31-237c;

(16) Council of economic advisors, established under section 31-358;

(17) Connecticut energy advisory board, established under section16a-3;

(18) Connecticut solid waste management advisory council, established under subsection (a) of section 19-524*ll*;

(19) Investment advisory council, established under section 3-13b;

(20) State properties review board, established under subsection (a) of section 4-26a;

(21) Commission on human rights and opportunities, established under section 46a-52;

(22) Litter control and recycling programs established by sections 22a-80 to 22a-89, inclusive;

(23) Tri-State Regional Planning Commission, established under sections 16-339 to 16-341, inclusive;

(24) The coastal management program, established under chapter 444; and

(25) Department of housing, established under sections 4-38c and 8-37j.

(e) The following governmental entities and programs are terminated, effective July 1, 1984, unless reestablished in accordance with the provisions of section 2c-10:

(1) Regional advisory boards for children and youth center facilities, established under section 17-434;

(2) Advisory board of Albany Avenue Child Guidance Center, established under section 17-435;

(3) advisory board High Meadows, Hamden, established under section 17-427;

(4) Advisory council on aging, established under section 17-136;

(5) Advisory council on children and youth services, established under section 17-413;

(6) Board of education and services for the blind, established under section 10-293;

(7) Child day care council, established under section 19-43c;

(8) Commission on children's services, established under section 17-414;

(9) Commission on the deaf and hearing impaired, established under section 17-1371;

(10) Advisory and planning councils for regional centers for the mentally retarded, established under section 19-575;

(11) Board for state academic awards, established under section 10-330a;

(12) Connecticut student loan foundation, established under section 10-358;

(13) State scholarship commission, established under section 10-116b;

(14) State library board, established under section 11-1;

(15) Advisory council for special education, established under section 10-76i;

(16) State commission on the arts, established under section 10-369;

(17) Connecticut historical commission, established under section 10-321;

(18) Commission on Connecticut's future, established under section 16a-34;

(19) Council on voluntary action, established under section 4-61m;

(20) Connecticut capitol center commission, established under section 4-24a;

(21) State commission on capitol preservation and restoration, established under section 4-241; and

(22) American Revolution Bicentennial Commission of Connecticut, established under section 10-321j.

(f) The following governmental entities and programs are terminated, effective July 1, 1985, unless reestablished in accordance with the provisions of section 2c-10:

(1) Regulation of hearing aid dealers;

(2) Connecticut osteopathic examining board, established under section 20-15;

(3) Connecticut homeopathic medical examining board, established under section 20-8;

(4) State board of natureopathic examiners, established under section 20-35;

(5) Board of examiners of hypertrichologists, established under section 20-268;

(6) Connecticut state board of examiners for nursing, established under section 20-88;

(7) State board of veterinary registration and examination, established under section 20-196;

(8) Dental commission, established under section 20-103a;

(9) Connecticut state board of examiners for optometrists, established under section 20-128a;

(10) Board of examiners of psychologists, established under section 20-186;

(11) Regulation of speech pathologists and audiologists pursuant to chapter 399;

(12) Board of examiners for barbers and hairdressers and cosmeticians established under section 20-235a;

(13) Board of examiners of embalmers and funeral directors established under section 20-208;

(14) Regulations of nursing home administrators pursuant to chapter 367;

(15) Board of examiners for opticians established under section 20-139a;

(16) Medical examining board established under section 20-8a;

(17) Board of examiners in podiatry, established under section 20-51;

(18) Board of chiropractic examiners, established under section 20-25; and

(19) The agricultural lands preservation program, established under section 22-26cc.

(1977, P.A. 77-614; §§573, 587, eff. Jan. 1, 1979; 1978, P.A. 78-232; §9, eff. June 1, 1978; 1978, P.A. 78-303; §§82 to 84, eff. Jan. 1, 1979; 1978, P.A. 78-303; §85, eff. June 6, 1978; 1978, P.A. 78-315; §2, eff. Jan. 1, 1979; 1978, P.A. 78-319; §12, eff. Jan. 1, 1980; 1979, P.A. 79-519; 1979, P.A. 79-535; §22, eff. Jan. 1, 1980; 1979, P.A. 79-560; §22, eff. July 1, 1979; 1979, P.A. 79-598; §26, eff. July 1, 1979; 1980, P.A. 80-349; §§1, 4, eff. July 1, 1980; P.A. 80-482, §§190, 346, eff. July 1, 1980; P.A. 80-483, §140, eff. June 6, 1980; P.A. 80-484, §§140, 175, eff. July 1, 1980.)

1977 Amendment

1977, P.A. 77-614; §587, eff. June 2, 1977, as amended by 1978, P.A. 78-303, §85, eff. June 6, 1978, authorized technical, grammatical, and punctuation changes with references to 1977, P.A. 77-614 and the public acts of 1977 and 1978. For text of these provisions, see notes under §2-56.

1978 Amendments

1978, P.A. 78-232, §9, added, to subsec. (a), subd. (20).

1978, P.A. 78-303, §82, eff. Jan. 1, 1979, deleted, from the end of subsec. (b)(6), ", established under section 17-280a of the general statutes".

1978, P.A. 78-303, §83, eff. Jan. 1, 1979, substituted, at the beginning of subsec. (b)(7), "All advisory boards for the state hospitals and facilities" for "Advisory Council on Alcohol and Drug Dependence".

1978, P.A. 78-303, § 84, eff. Jan. 1, 1979, substituted, in subsec. (b)(16), "'19-170b" for "19-170" following "under section".

1978, P.A. 78-315, § 2, eff. Jan. 1, 1979, added subsec. (d)(21).

1978, P.A. 78-318, § 12, eff. Jan. 1, 1980, added, to subsec. (d), a subd. (21) [designated subd. (22) of subsec. (d) in the state edition, revised to 1979].

1979 Amendments

1979, P.A. 79-519 added, to subsec. (d), subd. (23) relating to tri-state regional planning commission.

1979, P.A. 79-535, § 22, eff. Jan. 1, 1980, added to subsec. (d), subd. (23) relating to the coastal management program.

1979, P.A. 79-560, § 22, eff. July 1, 1979, added, to subsec. (d), subd. (23)

1979, P.A. 79-598, § 26, eff. July 1, 1979, added, to subsec. (d) subd. (23) relating to the department of housing.

1980 Amendments

1980, P.A. 80-349, § 1, added subsec. (f) which reestablished the agricultural lands preservation program, initially added by 1978, P.A. 78-232, § 9, and designated as subd. (20) of subsec. (a) scheduled to terminate on July 1, 1980.

1980, P.A. 80-349, § 4, deleted, from subsec. (a), subd. (20), added by 1978, P.A. 78-232, § 9, which related to agricultural lands preservation pilot program, scheduled to be terminated effective July 1, 1980. See, now, subsec. (f)(19) of this section.

1980, P.A. 80-349, § 5, provided:

"This act shall take effect July 1, 1980."

1980, P.A. 80-482, § 190, eff. July 1, 1980, added subsec. (c)(17) relating to liquor control commission.

1980, P.A. 80-482, § 346, eff. July 1, 1980, deleted, from subsec. (d) subd. (8) which read "Liquor control commission under section 30-2."

1980, P.A. 80-483, § 140, rewrote subsec. (b) which formerly read:

"The following governmental entities and programs are terminated, effective July 1, 1981, unless reestablished in accordance with the provisions of section 2c-10:

"(1) State board of registration for sanitarians, established under section 20-359;

"(2) State board of subsurface sewage disposal system examiners, established under section 20-341b;

"(3) Regulation of bedding, upholstered furniture and second hand hats;

"(4) Regional center advisory boards;

"(5) Veterans home and hospital commission, established under section 27-104;

"(6) Advisory council on alcohol and drug dependence;

"(7) All advisory boards for state hospitals and facilities, established under section 17-213a;

"(8) State advisory council on developmental disabilities, services and facilities;

"(9) Connecticut state alcohol advisory council, established under subsection (b) of section 17-155m;

"(10) Connecticut state alcohol council, established under subsection (a) of section 17-155m;

"(11) State board of examiners for physical therapists, established under section 20-67;

"(12) Board of mental health, established under section 17-207;

"(13) Commission on hospitals and health care, established under section 19-73c;

"(14) Commission on medicolegal investigations, established under subsection (a) of section 19-526a;

"(15) Drug advisory council, established under section 19-444;

"(16) Drug Council, established under section 19-444a, and

"(17) Health services advisory council."

1980, P.A. 80-484, § 140, eff. July 1, 1980, added subsec. (f).

1980, P.A. 80-484, § 175, eff. July 1, 1980, deleted subsec. (a) which formerly read:

"(a) The following governmental entities and programs are terminated, effective July 1, 1980, unless reestablished in accordance with the provisions of section 2c-10:

"(1) Regulation of hairdressers and cosmeticians;

"(2) Regulation of midwives;

"(3) Board of barber examiners, established under section 20-235;

"(4) Board of examiners of hypertrichologists, established under section 20-268;

"(5) Regulation of hearing aid dealers;
"(6) Commission of opticians, established under section 20-140;
"(7) Connecticut board of examiners of embalmers and funeral directors, established under section 20-208;
"(8) Connecticut homeopathic medical examining board, established under section 20-8;
"(9) Connecticut osteopathic examining board, established under section 20-15;
"(10) Connecticut medical examining board, established under section 20-8a;
"(11) Connecticut board of examiners in podiatry, established under section 20-51;
"(12) State board of chiropractic examiners, established under section 20-25;
"(13) State board of natureopathic examiners, established under section 20-35;
"(14) Connecticut state board of examiners for nursing, established under section 20-88;
"(15) State board of veterinary registration and examination, established under section 20-196;
"(16) Dental commission, established under section 20-103;
"(17) Connecticut state board of examiners to optometry, established under section 20-128;
"(18) Board of examiners of psychologists, established under section 20-186;
"(19) Board of licensure of nursing home administrators, established under section 19-592, and
"(20) The agricultural lands preservation pilot program, established under section 22-26cc.
"(21) Regulation of speech pathologists and audiologists pursuant to chapter 399."

See, now, subsec. (f) of this section.

§ 2c-2a. Termination of ombudsmen office under sunset law

The nursing home ombudsmen office established under section 17-135a and the programs performed by said office shall terminate July 1, 1985, in accordance with and subject to all the provisions of this chapter, subject to reestablishment as provided in this chapter. (1977, P.A. 77-575, § 20, eff. July 12, 1977.)

§ 2c-3. Performance audits by legislative program review and investigations committee

The legislative program review and investigations committee, established by the provisions of section 2-53e, shall conduct a performance audit of each governmental entity and program scheduled for termination under sections 2c-2 and 2c-2a. The legislative program review and investigations committee shall complete its performance audit by January 1 of the year in which the governmental entity and program are scheduled for termination under sections 2c-2 and 2c-2a. In conducting the audit, the committee shall take into consideration, but not be limited to considering, the factors set forth in sections 2c-7 and 2c-8. The entities enumerated in sections 2c-2 and 2c-2a shall cooperate with the legislative program review and investigations committee in carrying out the purposes of sections 2c-1 to 2c-12, inclusive, and shall provide such information, books, records and documents as said committee may require to conduct its performance audit. Each governmental entity or program scheduled for termination pursuant to sections 2c-2 and 2c-2a shall provide at the request of the program review and investigations committee an analysis of its activities which specifically addresses the factors enumerated in sections 2c-7 and 2c-8.

(1977, P.A. 77-614, §§ 574, 587, eff. Jan. 1, 1979; 1978, P.A. 78-303, § 85, eff. June 6, 1978.)

1977 Amendment

1977. P.A. 77-614, § 587, eff. June 2, 1977, as amended by 1978, P.A. 78-303, § 85, eff. June 6, 1978, authorized technical, grammatical, and punctuation changes with reference to 1977, P.A. 77-614 and the public acts of 1977 and 1978. For text of these provisions, see notes under § 2-56.

§ 2c-4. Report to general assembly

The legislative program review and investigations committee shall submit to the general assembly a written report on each governmental entity and program by January 1 of the year in which such entity and program are scheduled for termination. Such report shall specifically address the factors set forth in sections 2c-7 and 2c-8 and shall include recommendations regarding the abolition, reestablishment, modification, or consolidation of such entity and program.
(1977, P.A. 77-614, § 575, eff. Jan. 1, 1979.)

§ 2c-5. [Government administration and elections committee to hold public hearing prior to termination, modification, consolidation or reestablishment of governmental entity or program]

Prior to the termination, modification, consolidation or reestablishment of any governmental entity or program, the joint committee on government administration and elections shall hold a public hearing, receiving testimony from the public and the governmental entity involved.
(1977, P.A. 77-614, § 576, eff. Jan. 1, 1979; 1979 P.A. 79-31, § 12.)

1979 Amendment

1979, P.A. 79-31, § 12, substituted "elections" for "policy" following "government administration and".

Cross References

Committee on government administration and policy, see § 2-35a.

§ 2c-6. [Governmental entity to demonstrate public need. Recommendation by government administration and elections committee]

The governmental entity enumerated in section 2c-2 shall have the burden of demonstrating a public need for the reestablishment of the entity or program. Such entity shall also have the burden of demonstrating that it has served the public interest and not merely the interests of the persons regulated. The joint committee on government administration and elections may recommend to the general assembly that the governmental entity or program be modified, consolidated with another entity or program, or reestablished.
(1977, P.A. 77-614, § 577, eff. Jan. 1, 1979; 1979 P.A. 79-31, § 13.)

1979 Amendment

1979, P.A. 79-31, § 13, substituted, in the third sentence, "elections" for "policy" following "government administration and".

Cross References

Committee on government administration and policy, see § 2-35a.

§ 2c-7. Criteria for determining public need

In determining whether there is a public need for the continued existence of an entity or program, the general assembly shall consider, among other things:

(a) Whether termination of the entity or program would significantly endanger the public health, safety or welfare;

(b) Whether the public could be adequately protected by another statute, entity or program, or by a less restrictive method of regulation;

(c) Whether the governmental entity or program produces any direct or indirect increase in the cost of goods or services, and if it does, whether the public benefits attributable to the entity or program outweigh the public burden of the increase in cost, and

(d) Whether the effective operation of the governmental entity or program is impeded by existing statutes, regulations or policies, including budgetary and personnel policies.

(1977, P.A. 77-614, § 578, eff. Jan. 1, 1979.)

§ 2c-8. Criteria for determining whether a regulatory entity or program has served the general public

In determining whether a regulatory entity or program has served the general public, and not merely the persons regulated, the general assembly shall consider, among other things:

(a) The extent to which qualified applicants have been permitted to engage in any profession, occupation, trade or activity regulated by the entity or program;

(b) The extent to which the governmental entity involved has complied with federal and state affirmative action requirements;

(c) The extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated;

(d) The extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies, and

(e) The manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to regulation.

(1977, P.A. 77-614, § 579, eff. Jan. 1, 1979.)

§ 2c-9. Terminated entity or program to continue for one year for purpose of concluding its affairs

Upon termination, a governmental entity or program listed in section 2c-2 shall continue in existence for one year for the purpose of concluding its affairs. During the one year period, termination shall not reduce the powers of authority of the entity or program. Upon the expiration of the one year period, the entity or program shall cease all activities; all regulations promulgated by the entity or pursuant to the program shall cease to exist, and all unexpended balances of appropriations of other funds shall revert to the fund from which they were appropriated, or if that fund is abolished, to the general fund.

(1977, P.A. 77-614, § 580, eff. Jan. 1, 1979.)

§ 2c-10. Reestablishment of entity or program by general assembly

Any governmental entity or program scheduled for termination under section 2c-2 may be reestablished by the general assembly for periods not to exceed five years, at the end of which the entity or program shall again be subject to review under the provisions of sections 2c-1 to 2c-12, inclusive. Any such reenactment may provide for the consolidation of governmental entities or programs or for the transfer of governmental functions from one entity or program to another.
(1977, P.A. 77-614, §§ 581, 587, eff. Jan. 1, 1979; 1978, P.A. 78-303, § 85, eff. June 6, 1978.)

1977 Amendment

1977, P.A. 77-614, § 587, eff. June 2, 1977, as amended by 1978, P.A. 78-303, § 85, eff. June 6, 1978, authorized technical, grammatical, and punctuation changes with reference to 1977, P.A. 77-614 and the public acts of 1977 and 1978. For text of these provisions, see notes under § 2-56.

§ 2c-11. Termination of entity not to affect any claim, right or cause of action

Termination of a governmental entity or program shall not affect any claim, right or cause of action by or against the entity or program. Any such claim, right or cause of action pending on the date the entity or program is terminated, or instituted thereafter, shall be prosecuted or defended in the name of the state by the attorney general.
(1977, P.A. 77-614, § 582, eff. Jan. 1, 1979.)

§ 2c-12. Early termination of entity or program, other legislation, not prohibited

Nothing in this section or in sections 2c-1 to 2c-11, inclusive, shall prohibit the general assembly from terminating a governmental entity or program prior to the termination date established in section 2c-2, nor from considering any other legislation concerning any such entity or program.
(1977, P.A. 77-614, §§ 583, 587, eff. Jan. 1, 1979; 1978, P.A. 78-303, § 85, eff. June 6, 1978.)

1977 Amendment

1977, P.A. 77-614, § 587, eff. June 2, 1977, as amended by 1978, P.A. 78-303, § 85, eff. June 6, 1978, authorized technical, grammatic, and punctuation changes with reference to 1977, P.A. 77-6145 and the public acts of 1977 and 1978. For text of these provisions, see notes under § 2-56.

DELAWARE

DELAWARE SUNSET ACT

Del. Code Ann. tit. 29, § 10201 et seq. (1980 Supp.)

CHAPTER 102. DELAWARE SUNSET ACT

Sec.
10201. Declaration of policy.
10202. Definitions.
10203. Delaware Sunset Committee—Composition; term of office; Chairman; appointment; quorum; reimbursement; meetings.
10204. Same—Staff; appropriations.
10205. Same—Rules and regulations.
10206. Same—Subpoena powers.
10207. Information to be forwarded in annual report.
10208. Agency report.
10209. Committee responsibilities and duties.
10210. Public hearings.
10211. Criteria for review.
10212. Sunset report.
10213. Committee recommendations.
10214. Review schedules.
10215. Termination; reestablishment.
10216. Concluding year for terminated agencies.
10217. Merit System employees.

Revisor's note.—Section 4 of 62 Del. Laws, c. 301, provides "Within 30 days following July 1, 1980, those agencies set forth in the initial sunset review schedule shall be notified concerning the types of information needed by the Committee, the probable public hearing dates and such other notification or information as the agency may need."

Section 5 of 62 Del. Laws, c. 301, provides: "In appointing the initial Sunset Committee members, the President Pro Tempore of the Senate shall appoint 2 members who shall each serve a term of 1 year, 1 member to serve a term of 2 years, 1 member to serve a term of 3 years and 1 member to serve a term of 4 years; the Speaker of the House shall appoint 1 member to serve a term of 1 year, 2 members who shall each serve a term of 2 years, 1 member to serve a term of 4 years.

In the event this act becomes effective less than 8 months from the initial meeting of the General Assembly in 1981, the members of the Senate Administrative Services Committee, and the members of the House Administrative Services Committee, together with the original sponsors of this act, shall constitute the original Sunset Committee. The prime sponsor of this

In the event this act becomes effective less than 8 months from the initial meeting of the General Assembly in 1981, the members of the Senate Administrative Services Committee, and the members of the House Administrative Services Committee, together with the original sponsors of this act, shall constitute the original Sunset Committee. The prime sponsor of this act shall be the Chairman of the Committee. Notwithstanding any other provision in this act, when the Committee members of either House are appointed, the membership provisions of this paragraph relating to both Houses shall cease to be effective."

Section 6 of 62 Del. Laws, c. 301, provides: "(Because the overwhelming majority of state agencies, especially regulatory agencies, are prefixed with the words 'the State,' the agencies listed in the schedule shall be listed without the prefixed words 'the State').

(a) Unless continued, reestablished or reorganized in accordance with this act, the following agencies shall terminate on July 1, 1981:

(1) Athletic Commission (Chapter 1 of Title 28) originally established in accordance with Volume 37, Chapter 84, Laws of Delaware;

(2) Board of Examiners for Barbers (Chapter 4 of Title 24) originally established in accordance with Volume 53, Chapter 152, Laws of Delaware;

(3) Board of Cosmetology (Chapter 6 of Title 24) originally established in accordance with Volume 53, Chapter 426, Laws of Delaware;

(4) Commission on Massage Establishments and Adult Book Stores (Chapter 16 of Title 24) originally established in accordance with Volume 61, Chapter 122, Laws of Delaware;

(5) Bingo Control Commission (Chapter 11 of Title 28) originally established in accordance with Volume 51, Chapter 65, Laws of Delaware;

(6) Delaware Racing Commission (Chapter 3 of Title 28) originally established in accordance with Volume 38, Chapter 62, Laws of Delaware;

(7) Delaware Harness Racing Commission (Chapter 5 of Title 28) originally established in accordance with Volume 45, Chapter 303, Laws of Delaware;

(8) Board of Funeral Service Practitioners (Chapter 31 of Title 24) originally established in accordance with Volume 58, Chapter 415, Laws of Delaware;

(9) Advisory Council on Hearing Aids (§2014 et seq., of Title 16) originally established in accordance with Volume 59, Chapter 209, Laws of Delaware.

(b) Unless continued, reestablished or reorganized in accordance with this act, the following agencies shall terminate on July 1, 1982.

(1) Office of State Bank Commissioner (Chapter 1 of Title 5) originally established in accordance with Volume 30, Chapter 111, Laws of Delaware;

(2) Board of Podiatry Examiners (Chapter 5 of Title 24) originally established in accordance with Volume 33, Chapter 66, Laws of Delaware;

(3) Division of Consumer Affairs (§8612 of Title 29) originally established in accordance with Volume 57, Chapter 583, Laws of Delaware;

(4) Delaware Real Estate Commission (Chapter 29 of Title 24) originally established in accordance with Volume 35, Chapter 63, Laws of Delaware;

(5) Board of Veterinary Medicine (Chapter 33 of Title 24) originally established in accordance with Volume 57, Chapter 178, Laws of Delaware;

(6) Board of Trustees of the Delaware Standardbred Development Fund (subchapter V of Chapter 5 of Title 28) originally established in accordance with Volume 56, Chapter 156, Laws of Delaware;

(7) Board of Landscape Architecture (Chapter 2 of Title 24) originally established in accordance with Volume 60, Chapter 190, Laws of Delaware;

(8) Board of Examiners and Registration of Architects (Chapter 3 of Title 24) originally established in accordance with Volume 38, Chapter 60, Laws of Delaware;

(9) Board of Social Work Examiners (Chapter 137 of Title 31) originally established in accordance with Volume 60, Chapter 650, Laws of Delaware;

(c) Unless continued, reestablished or reorganized in accordance with this act, the following agencies shall terminate on July 1, 1983.

(1) Board of Medical Practice (Chapter 17 of Title 24) originally established in accordance with Volume 60, Chapter 462, Laws of Delaware;

(2) Council of the Delaware Association of Professional Engineers (Chapter 28 of Title 24) originally established in accordance with Volume 58, Chapter 501, Laws of Delaware;

(3) Examining Board of Physical Therapists (Chapter 26 of Title 24) originally established in accordance with Volume 50, Chapter 367, Laws of Delaware;

(4) The Insurance Department (Title 18) originally established in accordance with Volume 56, Chapter 380, Laws of Delaware;

(5) Board of Electrical Examiners (Chapter 14 of Title 24) originally established in accordance with Volume 55, Chapter 423, Laws of Delaware;

(6) Division of Boiler Safety (§8210 of Title 29) originally established in accordance with Volume 57, Chapter 382, Laws of Delaware;

(7) Public Service Commission (Chapter 1 of Title 26) originally established in accordance with Volume 47, Chapter 254, Laws of Delaware;

(8) Board of Examiners for Nursing Home Administrators (Chapter 12 of Title 16) originally established in accordance with Volume 57, Chapter 507, Laws of Delaware;

(9) Board of Pilot Commissioners (Chapter 1 of Title 23) originally established in accordance with Volume 16, Chapter 449, Laws of Delaware;

(d) Unless continued, reestablished or reorganized in accordance with this act, the following agencies shall terminate July 1, 1984:

(1) Board of Dental Examiners (Chapter 11 of Title 24) originally established in accordance with Volume 17, Chapter 496, Laws of Delaware;

(2) Board of Examiners of Speech Pathology and Audiology (Chapter 37 of Title 24) originally established in accordance with Volume 59, Chapter 206, Laws of Delaware;

(3) Board of Registration for Professional Land Surveyors (Chapter 27 of Title 24) originally established in accordance with Volume 43, Chapter 286, Laws of Delaware;

(4) Board of Nursing (Chapter 19 of Title 24) originally established in accordance with Volume 54, Chapter 153, Laws of Delaware;

(5) Board of Examiners of Psychologists (Chapter 35 of Title 24) originally established in accordance with Volume 58, Chapter 380, Laws of Delaware;

(6) Board of Accountancy (Chapter 1 of Title 24) originally established in accordance with Volume 27, Chapter 98, Laws of Delaware;

(7) Commissioner and Division of Securities (Chapter 73 of Title 6) originally established in accordance with Volume 59, Chapter 208, Laws of Delaware;

(8) State Human Relations Commission (Chapter 30 of Title 31) originally established in accordance with Volume 53, Chapter 261, Laws of Delaware;

(9) Board of Examiners in Optometry (Chapter 21 of Title 24) originally established in accordance with Volume 25, Chapter 113, Laws of Delaware;

Section 7 of 62 Del. Laws, c. 301, provides: "Amendments to § 6 may be made at any time; provided, however, no agency may be removed from the sunset review schedule if the review is scheduled to begin in a year which begins less than 12 months from the time such removal is attempted. No removal or attempted removal shall be effective unless the agency removed is replaced by another agency."

Section 8 of 62 Del. Laws, c. 301, provides: "At the end of its 2nd year of operation, the Sunset Committee shall examine its rate of review to determine whether or not there can be an increase in the number of agencies scheduled for review each year, and shall amend all subsequent sunset review schedules accordingly."

Section 9 of 62 Del. Laws, c. 301, provides: "Except where an agency is scheduled for review within 1 year as set forth in § 7 above, the General Assembly may add or replace any agency on a sunset review schedule, and may add or replace a whole schedule or any portion of a schedule by concurrent resolution or by substantially similar simple resolutions passed in each House. Where the resolutions passed by each House differ but both Houses recommend the addition of a particular agency, or a replacement of a specific agency by another specific agency, the sunset review schedule shall be amended accordingly."

Section 11 of 62 Del. Laws, c. 301, provides: "In January of each year, the Legislative Council shall cause corrective legislation to be prepared which shall remove from the Delaware Code all references to those agencies which have been terminated during the previous legislative session, or since the previous January; provided, however, certain references to terminated agencies may be retained if such retention is approved by the Director of Research."

This chapter became effective upon the signature of the Governor on July 1, 1980.

§ 10201. Declaration of policy.

(a) It is essential to the maintenance of a healthy state economy, and a government that has the confidence of its citizens, that the State establish a system of periodic legislative review of its commissions, boards and other agencies. This review of agency performance and activities is consistent with other activities and goals of the General Assembly. The primary purpose of this review is to determine whether or not there is a genuine public need for the agency under review; and, if so, to determine whether or not the agency is correctly performing to meet that need.

(b) It is the purpose of this chapter to provide an action-forcing mechanism designed to increase the accountability of various commissions, boards and agencies through increased legislative scrutiny of programs and agencies. It is the intent of the General Assembly to establish a timetable for the initial review of certain commissions, boards and other agencies, and ultimately to review all commissions, boards and agencies established by or receiving financial assistance from the State. The action-forcing mechanism is to terminate the commissions, boards and agencies under review on certain dates, unless affirmatively reestablished by law.

(c) It is not the purpose of this chapter to terminate agencies which are sufficiently meeting a recognized state need, and which are accountable to and responsive to the public interests. Rather, it is the purpose of this chapter to utilize the review mechanism to strengthen and support such agencies. (62 Del. Laws, c. 301, § 3.)

§ 10202. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Agency" shall mean any regulatory, administrative, advisory, executive or legislative body of this State including, but not limited to, any board, bureau, commission, department, committee, council, association, authority or any other entity established by an act of the General Assembly of this State which:

a. Is given authority in the Delaware Code to regulate any business, occupation or profession;

b. Is supported in whole or in part by public funds;

c. Expends or disburses public funds; or

d. Is specifically charged by a public body to advise or make recommendations.

(2) "Committee" or "Sunset Committee" shall mean the legislative committee established by this chapter.

(3) "Performance evaluation" shall mean an evaluation of how well an agency has performed, and is performing its functions; and how well the agency is serving, and has served the public needs. (62 Del. Laws, c. 301, § 3.)

§ 10203. Delaware Sunset Committee—Composition; term of office; Chairman; appointment; quorum; reimbursement; meetings.

(a) The Delaware Sunset Committee shall be composed of 5 members of the Senate, appointed by the President Pro Tempore; and 5 members of the House of Representatives, appointed by the Speaker of the House. Not more than 3 members of the Senate appointees, nor 3 members of the House appointees, shall be of the same political party.

(b) Except as otherwise provided in this chapter, each member shall serve a term of 4 calendar years. The terms of the members shall be staggered in such manner as to insure that the terms of not less than 2 nor more than 3 members of either House shall expire at the same time.

(c) No member shall succeed himself on the Committee. The term of a person not reelected shall automatically be concluded on the day after the time for contesting election results has passed. A member appointed to fill a vacancy shall not complete the former term, but shall begin an entirely new term.

(d) Subject to this subsection, the members of the Committee shall elect a Chairman every 2 years from among their members. The chairmanship shall alternate between the Senate and the House of Representatives; provided, however, that when the Chairman of the Joint Finance Committee and the Chairman of the Legislative Council are both from the same House, the Chairman of this Committee shall be a member of the other House.

(e) In each General Assembly, all new members of the Committee shall be appointed within the month of January, or within 1 week of organization of each respective House, whichever is later. A quorum shall consist of at least 5 Committee members.

(f) Each member of the Committee is entitled to reimbursement from the appropriate funds of that member's House for the expenses he actually and necessarily incurs in performing the duties of the Committee. Each request for reimbursement must be approved by the Chairman of the Committee.

(g) No person who is a member of the Joint Finance Committee or Legislative Council of Delaware shall serve on the Sunset Committee; provided, however, this subsection shall not apply when the minority party in either House has less than 7 members.

(h) Although all meetings of the Committee shall be open to the public, only members of the Committee and others designated by the Chairman shall be permitted to speak and otherwise participate. (62 Del. Laws, c. 301, § 3.)

§ 10204. Same—Staff; appropriations.

The personnel of the Legislative Council of Delaware and the Office of Controller General shall serve as the permanent staff of the Committee. The Committee may, by majority vote, provide for such other assistance, equipment or expenditure as are within the limits of its budget. The General Assembly shall appropriate such funds as it deems are required by the Committee. (62 Del. Laws, c. 301, § 3.)

§ 10205. Same—Rules and regulations.

The Committee shall adopt Committee rules and regulations necessary to carry out this chapter. Such rules and regulations shall be permanent, although succeeding Sunset Committees may alter and amend any and all such rules and regulations. (62 Del. Laws, c. 301, § 3.)

§ 10206. Same—Subpoena powers.

(a) The Committee may issue process to witnesses at any place in this State and compel their attendance as well as the production of books, records, papers and other objects that may be necessary or proper for the purposes of the Committee's proceedings. The Committee may issue attachments when necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by any peace officer in this State. The Chairman of the Committee shall issue, in the name of the Committee, the subpoenas that the majority of the Committee may direct.

(b) In the event the Chairman is absent, the designee of the Chairman is authorized to issue subpoenas, or any other lawful process, in the same manner as is the Chairman. All testimony taken under subpoena shall be reduced to writing, and must be given under oath subject to the penalties of perjury. (62 Del. Laws, c. 301, § 3.)

§ 10207. Information to be forwarded in annual report.

(a) Each agency, as a part of the requirements set forth in § 6508 of this title, or as is required by the annual Budget Appropriation Act from time to time, shall forward the following information in its annual report:

(1) A chart of diagram showing the greater department, division or agency of which it is a part; as well as any other commissions, boards or agencies over which it has jurisdiction;

(2) Its goals and objectives and the statutory authority for same, if any;

(3) All programs in being at any time for the period of 1 year, up to the date of the annual report;

(4) The total value of state funds and/or materials utilized by the agency for each of the last 5 fiscal years;

(5) A listing of all Delaware Code provisions from which the agency derives its rights, duties and functions.

(b) Each agency being reviewed in accordance with this chapter shall up-date the information required by this section, and shall include such current information in its agency report pursuant to § 10208 of this title. (61 Del. Laws, c. 301, § 3.)

§ 10208. Agency report.

Each year on or before January 15, each agency under review shall provide the Committee with:

(1) Information specified in § 10207 of this title;

(2) If subject to zero-based budgeting requirements, the last 5 budget reports relating to all program priorities, activities and accomplishments;

(3) A statement setting forth the performance or achievement of the agency as determined by the criteria for review set forth in § 10211 of this title. Such statement shall not address itself to any other subjects other than the criteria for review;

(4) Any information requested at an earlier date by the Committee, if such information is available. Any other law or statute to the contrary notwithstanding, each agency under review shall, upon request, forward to the Committee, or permit a Committee member or staff member to examine and duplicate, any record, document or file over which the agency has any custody or jurisdiction. (62 Del. Laws, c. 301, § 3.)

§ 10209. Committee responsibilities and duties.

The Committee may give 2 weeks' notice to an agency under review of dates scheduled for Committee meetings, public hearings, etc., but lack of such formal notice shall in no way affect the lawfulness of the Committee's activities or decisions. On or before February 7 prior to that year in which the agency is to be terminated, the Committee shall:

(1) Conduct a thorough review of all information furnished in accordance with § 10208 of this title by each agency under review;

(2) Obtain, verify and review any reports, audits or actions taken by other state agencies concerning the agency under review;

(3) Conduct a performance evaluation of the agency based, at least in part on the following criteria:

a. If a licensing agency, the extent to which the agency has permitted qualified applicants to serve;

b. The extent to which the agency has operated in the public interests;

c. The extent to which the agency has recommended statutory changes, and whether such changes directly benefit the public; or whether such changes primarily benefit the agency or other entities, and are of only indirect benefit to the public;

(4) Prepare a preliminary written report to be utilized in public hearings, including any preliminary evaluations or recommendations arising from the pre-legislative review under §§ 10207 and 10208 of this title. This report shall be a public record. (62 Del. Laws, c. 301, § 3.)

§ 10210. Public hearings.

(a) Between February 1 and March 7 of each year, public hearings shall be regularly and uniformly convened by the Committee on a continuous basis, as determined by the Chairman. To encourage participation by the general public, such hearings shall be held occasionally in the early evening hours. The Committee may, on such basis as the Chairman shall determine, begin public hearings prior to February 1; provided, however, that no hearings shall be held prior to February 1 if the pre-legislative review process set forth in §§ 10207 through 10209 of this title is incomplete.

(b) The highest administrative officer of the agency under review shall be present at each public hearing to answer any questions from members of the Committee, or members of the general public.

(c) At public hearings held in accordance with this chapter members of the general public, representatives of the agency under review and any witnesses on behalf of either the agency or the public shall be heard, and their evidence received. No proffered testimony or written statements by members of the general public shall be unreasonably refused, and such materials as are offered to the Committee shall be retained and considered by the Committee in making its evaluation. Statements and/or written materials offered by the agency or by witnesses on behalf of the agency (including officers and others having a direct interest in the continued existence of the agency) shall be accepted, but such material shall not be deemed to have been offered by "members of the general public" for purposes of this section. (62 Del. Laws, c. 301, § 3.)

§ 10211. Criteria for review.

The genuine public need for the agency, and whether or not the agency is correctly performing to meet that need, shall not be assumed; the agency shall have the burden of showing, through the criteria for review, that there is such a need and that the agency is meeting that need. The criteria are:

(1) The purpose of the act establishing the agency, and the manner of operation of the agency designed to achieve such purpose;

(2) Whether or not it can be independently established, apart from information supplied by the agency or by persons having a direct interest in the continued existence of the agency, that the absence of the agency or its enabling legislation would be detrimental to the public health, safety or welfare; and whether or not there is a possibility that such absence would be beneficial to the public health, safety or welfare;

(3) An assessment of less restrictive of other alternative methods of achieving the stated objectives of the act establishing the agency, and if such other methods would provide as much protection to the public;

(4) Whether the statute establishes a clear mandate to the agency, and whether the agency has complied with such mandate, if any, in the best interests of the general public;

(5) Whether other programs, activities or agencies of the state government have the same or similar objectives; and, if so, a comparison of the costs and effectiveness of such agencies, programs or activities; and identification of any duplication with those of the agency under review;

(6) Whether, in the past 3 years the agency has recommended to the General Assembly only those statutory changes of primary benefit to the public; or if such changes were primarily of benefit to the agency or to the occupation, business or institution which it serves or regulates;

(7) The efficiency with which the agency meets its statutory objectives;

(8) Whether applications and formal public complaints filed with the agency have been processed effectively, and fairly;

(9) Whether the agency has permitted only qualified applicants for licenses to serve the public; and has not unduly restricted access to any person wishing to engage in a regulated business, occupation or profession;

(10) The extent to which the agency has encouraged participation by the public in making its rules and decisions, as opposed to participation solely by those it regulates; and the extent to which the public participation has resulted in rules compatible with the objectives of the agency;

(11) Whether or not the agency has operated in an open and accountable manner, with public access to records and meetings, and whether there are safeguards against possible conflicts of interest;

(12) Whether "ethical conduct" provisions or rules of an agency, if any, are in fact limited to ethical or moral conduct; or if such provisions contain primarily commercial prohibitions and restrictions relating to profits, advertising, etc.;

(13) The extent to which the agency has been complying with Chapter 58A of this title; Chapter 101 of this title; §§ 6506, 6512 and 6519 of this title; Chapter 100 of this title; and § 8, article XV of the State Constitution or with the requirements to any statute which is a direct successor to those listed in this subdivision; and

(14) Any claimed impact in terms of federal intervention or loss of federal funds if the agency is terminated, which claim shall be fully substantiated. (62 Del. Laws, c. 301, § 3.)

§ 10212. Sunset report.

(a) On or before April 15 of calendar year in which an agency under review is automatically terminated in accordance with this chapter, the Committee shall present its final report to the General Assembly and to the Governor. The final report shall contain a complete description of the agency and its objectives, including all sub-agencies or programs within the agency; a review of all material obtained pursuant to §§ 10207 through 10211 of this title; a determination of whether or not there is genuine public need for the agency, and whether or not the agency is appropriately meeting that need; recommendations of the Committee; and such further matters or information as the Committee may wish to include.

(b) The final report shall contain the sunset review schedule of those agencies recommended for review during the 4th year after the report. If the report does not contain a recommended schedule, the sunset review schedule for said 4th year shall be comprised of at least 9 agencies including those agencies automatically scheduled for review, those added by the General Assembly and such additional agencies as are needed to complete the schedule. The additional agencies shall be taken in order of their appearance in the Delaware Code, beginning with the 1st section of Title 1. In any year where the number of agencies placed on the up-coming 4th year schedule and those added by act of the General Assembly are insufficient to complete a sunset review schedule, the schedule shall be completed by adding, starting with Title 1 and in the order in which they appear in the Delaware Code, those agencies which have not been reviewed. (62 Del. Laws, c. 301, § 3.)

§ 10213. Committee recommendations.

In its final report concerning a state agency, the Committee may recommend any or all of the following:

(1) Recommend the continuance of an agency, as is; termination of any agency; the termination of any program within the agency; the consolidation, merger or transfer of agencies or of functions from 1 agency to another; or the termination of the agency unless certain conditions are met or modifications made, by legislation or otherwise, within a specified period of time;

(2) Recommend budget appropriation limits for a state agency; and

(3) Recommend, in general or specific terms, such legislation it deems necessary to carry out its decision as to whether or not an agency should be continued or terminated. (62 Del. Laws, c. 301, § 3.)

§ 10214. Review schedules.

(a) When an agency has successfully completed a review under this chapter or has been reestablished, it shall not be subject to review again until the 6th year following its last review, at the earliest, depending upon the decision of the Committee. The termination date in a review schedule shall cease to apply to an agency recommended for continuance.

(b) Every agency created by law enacted after July 1, 1980, is subject to all provisions of this chapter, and to this section, except as otherwise expressly provided by the law creating the agency. A state agency created by law after July 1, 1980, shall automatically be placed on the appropriate sunset review schedule for review during the 4th succeeding calendar year.

(c) Any agency which has been recommended for termination or reorganization, but which nevertheless is continued by legislative action or otherwise, shall be automatically placed on the review schedule to be again reviewed at the end of 4 calendar years from the date of its last previous scheduled review date. Each agency which is reorganized in accordance with the recommendation of the Committee shall be placed on the review schedule to be again reviewed at the end of 4 calendar years from the date of its last previous scheduled review date. (62 Del. Laws, c. 301, § 3.)

§ 10215. Termination; reestablishment.

(a) In the event the Committee recommends the termination of an agency, and such agency is not reestablished by an act of the General Assembly, such agency is automatically terminated at the end of June 30 following the date of the Committee report. Where there is no recommendation or no report, the agency is automatically terminated on the date set forth in the review schedule.

(b) When an agency is terminated, each lesser included board, council or agency is also automatically terminated at the same time and under the same conditions, unless such lesser included agency is specifically exempted from termination by the Committee or by law enacted prior to June 30 immediately following.

(c) Where the Committee recommends the reorganization of a review agency, or a merging of the agency with another agency, such reviewed agency shall nevertheless be terminated on the June 30 following the Committee report, unless prior to June 30 a bill is introduced setting forth a proposed reorganization or merger. If such bill is not enacted into law within 7 months from the date of introduction, the agency shall then be automatically terminated.

(d) Where the Committee recommends continuance of an agency, but only upon its meeting certain conditions or making certain modifications, the agency shall terminate 6 months from the date of the final Committee report (or the termination date recommended by the Committee, whichever is latest) unless such conditions have been met or modifications made to the satisfaction of the Committee.

(e) Any act to reestablish an agency recommended by the Committee for termination or reorganization shall relate only to that specific agency, and the name of the affected agency shall be set forth in the title of the act. (62 Del. Laws, c. 301, § 3.)

§ 10216. Concluding year for terminated agencies.

(a) Upon the termination of an agency, it may continue in temporary existence until the end of the next succeeding calendar year, in order to properly conclude its business. Unless otherwise provided by law, termination shall not reduce or otherwise limit the power and authority of a terminated agency during such concluding year. Upon the expiration of the concluding year after termination, all rights, powers and functions of the agency shall cease. Any unobligated or unexpended appropriations of an agency terminated under this chapter shall lapse at the end of the concluding year.

(b) All money in a dedicated fund of a terminated state agency shall, after the end of the concluding year, be immediately transferred to the General Fund of the State Treasury, unless otherwise provided for by law. Any law or portion of a law which dedicates money to a specific fund of a terminated agency shall become null and void at the end of the concluding year.

(c) If a terminated state agency is funded in the Budget Appropriation Act for each year of the General Assembly, the terminated agency shall have no authority to spend nor obligate any of such funds for any period after December 31 of the concluding year, unless specifically provided for by law.

(d) If the terminated agency is part of a larger department, division or agency all property and records in custody of the terminated agency shall be transferred to the next largest entity of which that agency was a part. If the terminated agency was itself the largest entity or was an independent agency, the property and records shall be transferred to the Secretary of State.

(e) If a terminated state agency has any outstanding bonded indebtedness remaining, the responsibility for the management of the repayment of such bonded indebtedness through the continuation of that agency's functions, limited merely to the repayment function, shall be vested in the State Treasurer. Any claim by the agency and any claim against the agency shall continue, and shall not be terminated with the agency.

(f) All Delaware Code references to the terminated state agency shall be invalid upon expiration of that agency's concluding year, unless specifically retained. (62 Del. Laws, c. 301, § 3.)

§ 10217. Merit System employees.

In the event the termination of an agency, program or activity result in unemployment for persons under the Merit System of Personnel Administration, each state employee so displaced shall receive first preference in all other state employment opportunities which arise thereafter for which he is qualified, and each such employee shall have the right of first refusal until permanent employment is obtained. (62 Del. Laws, c. 301, § 3.)

FLORIDA

REGULATORY REFORM ACT OF 1976

Fla. Stat. Ann. § 11.61 (1981 Cum. Ann. Pocket Part)

11.61 Legislative review of regulatory functions

(1) This act shall be known as the "Regulatory Reform Act of 1976."

(2) It is the intent of the legislature:

(a) That no profession, occupation, business, industry, or other endeavor shall be subject to the state's regulatory power unless the exercise of such power is necessary to protect the public health, safety, or welfare from significant and discernible harm or damage. The exercise of the state's police power shall be done only to the extent necessary for that purpose.

(b) That the state shall not regulate a profession, occupation, industry, business, or other endeavor in a manner which will unreasonably adversely affect the competitive market.

(c) To provide systematic legislative review of the need for, and the public benefits derived from, a program or function which licenses or otherwise regulates the initial entry into a profession, occupation, business, industry, or other endeavor by a periodic review and termination, modification, or reestablishment of such programs and functions.

(3) Legislative committee review of licensing and regulatory functions shall begin 2 years prior to the repeal date of the respective sections and chapters enumerated in subsections (2), (3), and (4) of s. 3, chapter 76-168, Laws of Florida, and shall conclude with a recommendation, on or before January 1 prior to the repeal date, for continuation, modification, or repeal.

(4) In determining whether to reestablish a program or function, the Legislature shall consider the following criteria:

(a) Would the absence of regulation significantly harm or endanger the public health, safety, or welfare?

(b) Is there a reasonable relationship between the exercise of the state's police power and the protection of the public health, safety, or welfare?

(c) Is there another, less restrictive method of regulation available which could adequately protect the public?

(d) Does the regulation have the effect of directly or indirectly increasing the costs of any goods or services involved, and, if so, to what degree?

(e) Is the increase in cost harmful to the public than the harm which could result from the absence of regulation?

(f) Are all facets of the regulatory process designed solely for the purpose of, and have as their primary effect, the protection of the public?

(5) One year from the date of repeal of any section or chapter enumerated in s. 3, chapter 76-168, Laws of Florida, the unit of government or subunit thereof and the personnel positions responsible for carrying out the powers, duties, and functions created by such section of chapter shall be abolished, and all unexpended balances of appropriations, allocations, or other funds shall revert

to the fund from which they were appropriated or, if that fund is abolished, to the General Revenue Fund.

(6) Any program or function scheduled for termination under this act or any subsequent act may be reestablished by the Legislature for any period of time specified by law, not to exceed 6 years, at the end of which time the Legislature shall again review such program or function pursuant to s. 3, chapter 76-168, Laws of Florida, and may again reestablish, modify, or allow the termination of, such program or function pursuant to this section.

(7) Any program or function created in part to regulate the entry into any profession, occupation, business, industry or other endeavor by law enacted after the effective date of this act shall be reviewed by the Legislature, as required in s. 3, chapter 76-168, Laws of Florida, beginning not later than 48 months after the laws authorizing the regulation becomes law, and such review shall be completed not later than January 1 of the next odd-numbered year following the commencement of review. Any such law is repealed on July 1 of such odd-numbered year unless reestablished by the Legislature.

(8) The Speaker of the House and the President of the Senate shall act to appoint a select joint committee to be named no later than January 1, 1977. Said select joint committee shall be charged with the duty of assisting in the implementation of the provisions of this act and shall be charged with the duty of establishing administrative procedures which shall facilitate the review and evaluation required in this act. The appropriate substantive committees of both the House and Senate, upon assignment by the Speaker and the President, respectively, and sitting jointly, shall be responsible for completing the review and evaluation required in this act. A report of their recommendations and a proposed bill shall be completed pursuant to subsection (3) and shall be submitted to the offices of the Speaker and the President for distribution to legislators prior to the ensuing legislative session.

(9) This act shall not affect the right to institute or prosecute any cause of action by or against a unit or subunit of government terminated pursuant to this act if the cause of action accrued prior to the date of the unit or subunit was terminated. Any cause of action pending on the date the unit or subunit is terminated, or instituted thereafter, shall be prosecuted or defended in the name of the state by the Department of Legal Affairs.

Laws 1976, c. 76-168, §§ 1, 2, 4, to 9, 11, eff. June 17, 1976. Amended by Laws 1977, c. 77-457, § §1 , 2, eff. June 30, 1977.

Laws 1977; c. 77-457, in subsec. (3) provided for review of the regulatory functions by the legislative committee beginning two rather than one year prior to repeal date, and changed the recommendation date by the legislative committee to January 1 from February 15 "prior to the repeal date"; and, in subsec. (7) changed the provisions for future laws and added thereto the provisions in the second sentence.

Laws 1976, c. 76-168, § 3, provides:

"(1) The following are repealed July 1, 1978:

"(a) Chapter 473, Florida Statutes, relating to accountancy.

"(b) Chapter 467, Florida Statutes, relating to architecture.

"(c) Chapter 476, Florida Statutes, relating to barbers.

"(d) Chapter 460, Florida Statutes, relating to chiropractic.

"(e) Part II of chapter 468, Florida Statutes, relating to the construction industry.

"(f) Chapter 477, Florida Statutes, relating to cosmetology.

"(g) Chapter 466, Florida Statutes, relating to dentistry, dental hygiene and dental laboratories.

"(h) Part VII of chapter 468, Florida Statutes, relating to electrical contractors.

"(i) Chapters 471 and 472, Florida Statutes, relating to professional engineers and land surveyors.

"(j) Chapter 492, Florida Statutes, relating to forestry practice.

"(k) Chapter 470, Florida Statutes, relating to funeral directors and embalmers.

"(l) Chapter 481, Florida Statutes, relating to landscape architects.

"(m) Chapter 480, Florida Statutes, relating to masseurs and masseuses.

"(n) Chapter 458, Florida Statutes, relating to medical practice.

"(o) Chapter 462, Florida Statutes, relating to naturopathy.

"(p) Chapter 464, Florida Statutes, relating to nursing.

"(q) Part VI of chapter 468, Florida Statutes, relating to nursing home administrators.

"(r) Chapter 484, Florida Statutes, relating to dispensing opticians.

"(s) Chapter 463, Florida Statutes, relating to optometry.

"(t) Chapter 459, Florida Statutes, relating to osteopathic physicians.

"(u) Chapter 465, Florida Statutes, relating to pharmacists.

"(v) Chapter 461, Florida Statutes, relating to podiatry.

"(w) Chapter 310, Florida Statutes, relating to pilots, piloting and pilotage.

"(x) Chapter 490, Florida Statutes, relating to psychological practice.

"(y) Chapter 475, Florida Statutes, relating to real estate licensing.

"(z) Chapter 491, Florida Statutes, relating to sanitarians.

"(aa) Chapter 474, Florida Statutes, relating to veterinarians.

"(bb) Chapter 489, Florida Statutes, relating to watchmakers.

"(cc) Sections 604.15, 604.16 604.17, 604.18, 604.19, 604.20, 604.21, 604.211, 604.22, 604.23, 604.24, 604.25, 604.26, 604.27, 604.28, 604.29, 604.30, Florida Statutes, relating to dealers in agricultural products.

"(dd) Chapter 478, Florida Statutes, relating to land sales.

"(ee) Chapter 509, Florida Statutes, relating to hotels and restaurants.

"(ff) Sections 210.15 and 210.16, Florida Statutes, relating to cigarette distributing agents.

"(gg) Chapter 537, Florida Statutes, relating to yacht and shipbrokers.

"(hh) Chapter 457, Florida Statutes, relating to shorthand court reporting.

"(ii) Part V of chapter 468, Florida Statutes, relating to electronic repair.

"(jj) Sections 633.061, 633.521, 633.524, 633.527, 633.531, 633.534, 633.537, 633.541, 633.544, 633.547, 633.549, 633.551, 633.554, 633.557, Florida Statutes, relating to the servicing, recharging, repairing, testing, inspecting and installing of fire extinguishers and systems.

"(2) The following are repealed July 1, 1980:

"(a) Chapter 449, Florida Statutes, relating to private employment agencies.

"(b) Chapter 493, Florida Statutes, relating to investigative agencies and deception detectors.

"(c) Section 320.77, Florida Statutes, relating to mobile home dealers.

"(d) Sections 320.27, 320.271, 320.272, 320.273, 320.274, 320.28, 320.29, 320.30, 320.31, Florida Statutes, relating to motor vehicle dealers.

"(e) Sections 320.60, 320.61, 320.615, 320.62, 320.63, 320.64, 320.641, 320.642, 320.65, 320.66, 320.664, 320.665, 320.67, 320.68, 320.69, 320.694, 320.695, 320.696, 320.697, 320.698, 320.70, Florida Statutes, relating to motor vehicle manufacturers, factory branches, factory representatives, distributors, importers.

"(f) Sections 320.821 and 320.832, Florida Statutes, relating to mobile home manufacturers.

"(g) Sections 320.851, 320.852, 320.853, 320.854, 320.856, 320.857, 320.858, 320.859, 320.860, 320.861, 320.862, 320.863, 320.864, Florida Statutes, relating to mobile home and recreational vehicle manufacturers.

"(h) Chapter 323, Florida Statutes, relating to motor carriers and freight-forwarding.

"(i) Sections 330.45, 330.46, 330.47, 330.48, 330.49 330.491, 330.492, 330.50, 330.51, 330.52, 330.53, Florida Statutes, relating to air carriers.

"(j) Sections 350.07, 350.08, 350.09, 350.10, 350.11, 350.12, 350.13, 350.14, 350.15, 350.16, 350.17, 350.18, 350.19, 350.22, 350.23, 350.24, 350.25, 350.26, 350.27, 350.28, 350.29, 350.30, 350.31, 350.32, 350.33, 350.34, 350.35, 350.36, 350.37, 350.38, 350.39, 350.40, 350.41, 350.42, 350.43, 350.44, 350.45, 350.46, 350.47, 350.48, 350.49, 350.50, 350.51, 350.52, 350.53, 350.54, 350.55, 350.56, 350.57, 350.58, 350.59, 350.60, 350.61, 350.62, 350.63, 350.631, 350.64, 350.641, 350.65, 350.66, 350.67, 350.76, 350.77, 350.771, 350.78, 350.781, 350.79, Florida Statutes, relating to common carriers.

"(k) Chapter 364, Florida Statutes, relating to telegraph and telephone companies and radio common carriers.

"(l) Chapter 365, Florida Statutes, relating to private wire services.

"(m) Chapter 366, Florida Statutes, relating to public utilities.

"(n) Chapter 367, Florida Statutes, relating to water and sewer systems.

"(o) Part IV of chapter 520, Florida Statutes, relating to home improvement sales and finance.

"(p) Chapter 520, Florida Statutes, relating to retail installment sales.

"(q) Chapter 656, Florida Statutes, relating to industrial savings banks.

"(r) Chapter 657, Florida Statutes, relating to credit unions.

"(s) Chapter 654, Florida Statutes, relating to savings banks.

"(t) Chapters 658, 659, 660, and 661, Florida Statutes, relating to banking.

"(u) Part IV of chapter 559, Florida Statutes, relating to cemeteries.

"(v) Chapter 560, Florida Statutes, relating to the sale of money orders.

"(w) Chapter 517, Florida Statutes, relating to sale of securities.

"(3) The following are repealed July 1, 1982:

"(a) Chapter 246, Florida Statutes, relating to nonpublic educational and training institutions.

"(b) Chapter 231, Florida Statutes, relating to personnel of school systems.

"(c) Part IV of chapter 468, Florida Statutes, relating to speech pathology and audiology.

"(d) Part I of chapter 468, Florida Statutes, relating to operators of motion picture projectors.

"(e) Chapter 469, Florida Statutes, relating to plumbers.

"(f) Part III of chapter 468, relating to fitting and selling of hearing aids.

"(g) Part I of chapter 400, Florida Statutes, relating to nursing homes and related health-care facilities.

"(h) Part III of Chapter 401, Florida Statutes, relating to emergency medical systems.

"(i) Chapter 482, Florida Statutes, relating to pest control.

"(j) Sections 381.422, 381.432, 381.442, 381.452, 381.462, 381.472, 381.482, Florida Statutes, relating to migrant labor camps.

"(k) Chapter 513, Florida Statutes, relating to tourist camps.

"(l) Section 500.12, Florida Statutes, relating to food manufacturers, processors and packers.

"(m) Chapter 514, Florida Statutes, relating to public bath houses and swimming or bathing places.

"(n) Sections 500.46 and 500.47, Florida Statutes, relating to drug wholesalers and manufacturers.

"(o) Section 502.031, Florida Statutes, relating to the sale of milk and milk products.

"(p) Chapter 503, Florida Statutes, relating to frozen desserts.

"(q) Sections 402.301, 402.302, 402.303, 402.304, 402.305, 402.306, 402.307, 402.308, 402.309, 402.310, 402.311, 402.312, 402.313, 402.314, 402.315, 402.316, Florida Statutes, relating to child care facilities.

"(r) Chapter 395, Florida Statutes, relating to hospitals.

"(s) Sections 397.071, 397.081, 397.091, 397.092, 397.093, 397.094, 397.095, 397.096, 397.098, 397.099, Florida Statutes, relating to drug abuse treatment and education centers.

"(t) Section 381.293, Florida Statutes, relating to operators of water purification and waste-water treatment plants.

"(u) Sections 409.145, 409.155, 409.165, 409.175, Florida Statutes, relating to the care of dependent children.

"(v) Sections 413.061-413.068, Florida Statutes, relating to solicitation of funds for the blind.

"(w) Chapter 483, Florida Statutes, relating to clinical laboratories.

"(x) Sections 290.01, 290.02, 290.03, 290.04, 290.051, 290.06, 290.07, 290.071, 290.08, 290.09, 290.10, 290.11, 290.12, 290.13, 290.14, 290.15, 290.16, 290.17, 290.18, 290.19, Florida Statutes, relating to Nuclear Code.

"(y) Section 330.30, Florida Statutes, relating to airports.

"(z) Chapter 641, Florida Statutes, relating to health care service programs.

"(aa) Chapter 649, Florida Statutes, relating to automobile clubs.

"(bb) Chapter 648, Florida Statutes, relating to bail bondsmen and runners.

"(cc) Chapter 634, Florida Statutes, relating to automobile inspection and warranty associations.

"(dd) Chapter 527, Florida Statutes, relating to the sale of liquefied petroleum gas.

"(ee) Parts I-IV of chapter 626, Florida Statutes, relating to insurance, field representatives and operations.

"(ff) Chapter 624, 625, 627, 628, and 629, Florida Statutes, relating to insurance.

"(gg) Chapter 632, Florida Statutes, relating to fraternal benefit societies.

"(hh) Chapter 479, Florida Statutes, relating to outdoor advertisers.

"(ii) Part IV of chapter 553, Florida Statutes, relating to factory-built housing."

Laws 1977, c. 77-237, excepted part IV of chapter 624 from the repeal of Laws 1976, c. 76-168, § 3(3)(ff).

Laws 1977, c. 77-457, amended Laws 1976, c. 76-168, § 3, to provide as follows: (1) Chapters 458; 459; 460; 461; 463; 464; 465; 466; 467; parts 2, 5, 6, and 7 of chapter 468; 470; 471; 472; 473; 474; 475; 478; 481; 484; 490; 492; and 509, which were to be repealed effective Juy 1, 1978, are repealed July 1, 1979. (2) Chapter 514 which was scheduled for repeal July 1, 1982, is repealed July 1, 1978. (3) Chapter 624, part IV is excepted from the repeal of the remainder of the chapter on July 1, 1982. (4) Chapter 665 is added as a chapter to be repealed on July 1, 1980. (5) Chatper 496 and part V of chapter 559 are added as chapters to be repealed on July 1, 1982.

Library References

Constitution Law ⟹ 81.
C.J.S. Constitutional Law § 174 et seq.

11.6105 Legislative review of regulatory functions; additional provisions

(1) Sections 351.001-351.009 and the following provisions of the Florida Statutes are repealed on October 1, 1982, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended, or any successor legislation:

(a) Sections 351.01-351.37, relating to duties of railroads in operating trains.

(b) Chapter 352, relating to duties to railroad passengers and freight.

(c) Chapter 353, relating to claims for lost or damaged freight.

(d) Chapter 354, relating to special officers for carriers.

(e) Chapter 355, relating to carrier's lien and enforcement.

(f) Chapter 356, relating to fencing and evidence in livestock cases concerning railroads.

(g) Chapter 357, relating to railroad crossings.

(h) Chapter 358, relating to tickets, passes, and discounts.

(i) Chapter 359, relating to express companies.

(j) Chapter 360, relating to special powers of railroad and canal companies.

(2) Chapter 78-155, Laws of Florida, including this subsection, is repealed July 1, 1983. Chapter 78-155 shall be reviewed by the Legislature pursuant to the Regulatory Reform Act.

(3)(a) Chapter 486 shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(b) Chapter 79-194, Laws of Florida, including this paragraph, shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(c) Chapter 79-200, Laws of Florida, including this paragraph, is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976.

(d) Chapter 79-202, Laws of Florida, including this paragraph, is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976.

(e) Chapter 79-211, Laws of Florida, including this paragraph, shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(f) Chapter 79-225, Laws of Florida, including this paragraph, shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(g) Chapter 465 shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(h) Chapter 79-227, Laws of Florida, including this paragraph, shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(i) Chapter 79-228, Laws of Florida, including this paragraph, shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida.

(j) Chapter 79-229, Laws of Florida, including this paragraph, shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(k) Chapter 79-230, Laws of Florida, including this paragraph, shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(l) Chapter 470 is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(m) Sections 604.15-604.23, 604.25, and 604.27-604.30 are repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(n) Chapter 475 is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(o) Sections 1-40 of chapter 79-243, Laws of Florida, are repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(p) Chapter 79-272, Laws of Florida, including this paragraph, is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(q) Chapter 79-273, Laws of Florida, including this paragraph, is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976.

(r) Chapter 484 shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(s) Part I of ch. 79-302, Laws of Florida, shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(t) Chapter 466 shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(u) Chapter 498[1] is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(v) Chapter 79-407, Laws of Florida, including this paragraph, is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976.

(w) Chapter 664, as created by chapter 80-255, Laws of Florida, shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(4) Chapter 509 is repealed on July 1, 1981, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(5)(a) Chapter 367 shall stand repealed on July 1, 1986, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(b) The provisions of chapter 80-190, Laws of Florida, which established and relate to the powers and duties of the Education Standards Commission and the Education Practices Commission and ss. 231.02, 231.14, 231.15, 231.17, 231.24, and 231.30 shall stand repealed on July 1, 1986, and shall be reviewed by the Legislature pursuant to ss. 11.61 and 11.611.

(c) Chapter 517, shall stand repealed on July 1, 1986, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(d) Chapter 665, as amended by chapter 80-257, Laws of Florida, shall stand repealed on July 1, 1986, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(e) Chapter 657 shall stand repealed on July 1, 1986, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(f) Chapters 658, 660, 661, 662, and 663. as created by chapter 80-260, Laws of Florida, shall stand repealed on July 1, 1986, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(6)(a) Chapter 389, as created by chapter 80-168, Laws of Florida, is repealed effective October 1, 1986, and shall be reviewed prior to that date pursuant to the Regulatory Reform Act of 1976, as amended.

(b) Part VIII of chapter 468, as created by chapter 80-375, Laws of Florida, is repealed effective October 1, 1986, and shall be reviewed prior to that date pursuant to the Regulatory Reform Act of 1976, as amended.

(7) Sections, 320.27, 320.271, 320.273, 320.28, 320.30, 320.31, 320.60, 320.61, 320.615, 320.62, 320.63, 320.64, 320.641, 320.642, 320.664,

---

[1] Reference to chapter 498 was substituted for reference to chapter 478 by the division of stautory revison to reflect reassignment of chapter 478, as amended, by Laws 1979, c. 79-347.

320.67, 320.68, 320.69, 320.694, 320.695, 320.696, 320.697, 320.698, 320.70, 320.77, 320.832, 320.861, and 320.862 are repealed on October 1, 1988, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(8)(a) Chapter 493 shall stand repealed on July 1, 1990, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(b) Sections 350.111, 350.113, 350.115, 350.117, 350.121, 350.123, 350.124, 350.125, 350.127, and 350.128, as created by chapter 80-289, Laws of Florida, shall stand repealed on July 1, 1990, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended, or any successor legislation.

(9) Part IV of chapter 559, the Florida Cemetary Act, is repealed on October 1, 1990, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Laws 1978, c. 78-155, § 28, eff. June 30, 1978; Laws 1979, c. 79-116, § 2, eff. June 1, 1979; Laws 1979, c. 79-194, § 6, eff. July 1, 1979; Laws 1979, c. 79-200, § 17, eff. July 1, 1979; Laws 1979, c. 79-202, § 25, eff. July 1, 1979; Laws 1979, c. 79-211, § 7, eff. July 1, 1979; Laws 1979, c. 79-225, § 6, eff. July 1, 1979; Laws 1979, c. 79-226, § 7, eff. July 1, 1979; Laws 1979, c. 79-227, § 2, eff. July 1, 1979; Laws 1979, c. 79-228, § 2, eff. July 1, 1979; Laws 1979, c. 79-229, § 6, eff. July 1, 1979; Laws 1979, c. 79-230, § 6, eff. July 1, 1979; Laws 1979, c. 79-231, § 5, eff. July 1, 1979; Laws 1979, c. 79-238, § 14, eff. June 30, 1979; Laws 1979, c. 79-239, § 42, eff. July 1, 1979; Laws 1979, c. 79-240, § 42, eff. July 1, 1979; Laws 1979, c. 79-243, § 42, eff. July 1, 1979; Laws 1979, c. 79-272, § 17, eff. July 1, 1979; Laws 1979, c. 79-273, § 19, eff. July 1, 1979; Laws 1979, c. 79-275, § 5, eff. July 1, 1979; Laws 1979, c. 79-302, § 8, eff. July 1, 1979; Laws 1979, c. 79-330, § 3, eff. July 1, 1979; Laws 1979, c. 79-347, § 32, eff. July 1, 1979; Laws 1979, c. 79-407, § 18, eff. July 1, 1979; Laws 1980, c. 80-99, § 26, eff. July 1, 1980; Laws 1980, c. 80-168, § 2, eff. Oct. 1, 1980; Laws 1980, c. 80-190, § 11, eff. Oct. 1, 1980; Laws 1980, c. 80-217, § 17, eff. July 1, 1980; Laws 1980, c. 80-238, § 40, eff. July 1, 1980; Laws 1980, c. 80-254, § 5, eff. June 30, 1980; Laws 1980, c. 80-255, § 15, eff. July 1, 1980; Laws 1980, c. 80-257, § 58, eff. July 1, 1980; Laws 1980, c. 80-258, § 6, eff. July 1, 1980; Laws 1980, c. 80-260, § 152, eff. July 1, 1980; Laws 1980, c. 80-268, § 7, eff. July 1, 1980; Laws 1980, c. 80-289, §§ 5, 6, eff. July 1,. 1980; Laws 1980, c. 80-375, § 2, eff. Oct. 1, 1980.

11.611 Legislative review of boards, committees, commissions, and councils adjunct to executive agencies

(1) This act shall be known and may be cited as the "Sundown Act."

(2) The Legislature finds it to be in the public interest to systematically review the need for and the benefits derived from boards, committiees, commissions, and councils adjunct to executive agencies which were created by statute. The Legislature further finds it to be in the public interest to abolish without further review boards, committees, commissions, and councils adjunct to executive agencies which were created by statute which have held no official meetings subsequent to January 1, 1975, according to the Legislative Information Division computer printout of December 2, 1977.

The Legislature declares this act to be supplemental to chapter 76-168, Laws of Florida (the Regulatory Reform Act of 1976).

(3) The records of the boards, committees, commissions, and councils enumerated in subsection (1) of s. 3 of chapter 78-323, Laws of Florida, are transferred to the executive agency to which such boards, committees, commissions, or councils were assigned on the established repeal date.

(4) Two years prior to the date of repeal of the boards, committees, commissions and councils enumerated in subsection (1) of s. 4 of chapter 78-323, Laws of Florida, the Legislature shall review said boards, committees, commissions, and councils to determine which, if any, should be reestablished in the public interest; provided no such reestablishment shall be for a period of time longer than 6 years.

(5) Any new board committee, commission, or council adjunct to executive agencies which is created by statute after October 1, 1978, shall not be established for a period of time longer than 6 years, at which time such board, committee, commission, or council shall undergo legislative review as required by subsections (4) and (6).

(6) The select joint committee appointed pursuant to s. 11.61(8) shall establish the criteria and the procedures for the review required by this act.

Laws 1978, c. 78-323, §§ 1 to 4, eff. Oct. 1, 1978.

Laws 1978, c. 78-323, §§ 3(1) and 4(1) read as follows:

"Section 3. (1) The following sections of the Florida Statutes relating to boards, committees, commissions and councils which have held no official meetings subsequent to January 1, 1975, according to the Legislative Information Division computer printout of December 2, 1977, are repealed effective October 1, 1979:

"(a) Sections 573.14, 573.15, and 573.16, Florida Statutes, relating to Celery and Sweet Corn Advisory Councils.

"(b) Section 553.38(2), Florida Statutes, relating to the Factory-built Housing Council.

"(c) Sections 943.27 and 943.28, Florida Statutes, relating to the Local Law Enforcement Advisory Council.

"(d) Section 23.123, Florida Statutes, relating to the State Mutual Aid Council.

"(e) Chapter 369, Florida Statutes, relating to the Commission on Marine Sciences and Technology and the ad hoc council for red-tide research.

"(f) Section 592.011, Florida Statutes, relating to the Recreation and Parks Advisory Council and the five Regional Recreation and Parks Advisory Councils.

"(g) Section 443.12(5)(a), Florida Statutes, relating to the Employment Service Advisory Council.

"(h) Section 290.01, Florida Statutes, relating to the Florida Nuclear and Space Council.

"(i) Section 601.9914(5), Florida Statutes, relating to the Concentrate Quality Council.

"Section 4. (1) The following sections of the Florida Statutes relating to boards, committees, commissions, and councils which have held official meetings subsequent to January 1, 1975, according to the Legislative Information Division computer printout of December 2, 1977, are repealed effective October 1, 1981:

"(a) Sections 573.885(14), 573.895, 573.896, and 573.897, Florida Statutes, relating to the Peanut Advisory Council.

"(b) Sections 573.859(14), 573.869, 573.870, and 573.871, Florida Statutes, relating to Tobacco Advisory Councils.

"(c) Section 478.34, Florida Statutes, relating to the Advisory Council of the Division of Florida Land Sales and Condominums.

"(d) Sections 553.71(1), 553.74, 553.75, 553.76, and 553.77, Florida Statutes, relating to the Board of Building Codes and Standards.

"(e) Section 229.561(2), Florida Statutes, relating to the Board of Advisors for Educational Research and Development.

"(f) Sections 413.032, 413.033, 413.034, 413.035, 413.036, and 413.037, Florida Statutes, relating to the Council for the Purchase of Products and Services of the Blind or Other Severely Handicapped.

"(g) Section 372.025(4), Florida Statutes, relating to the Everglades Recreational Planning Board.

"(h) Section 322.125, Florida Statutes, relating to the medical advisory committee of the Department of Highway Safety and Motor Vehicles.

"(i) Sections 943.38, 943.39, and 943.40, Florida Statutes, relating to the Crime Laboratory Council.

"(j) Sections 943.06, 943.07 and 943.08, Florida Statutes, relating to the Criminal Justice Information Systems Council.

"(k) Sections 943.10(3), 943.11, 943.12, 943.13(5), (6) and (7), 943.14, 943.15, 943.16, 943.17, 943.18, 943.19, and 943.20, Florida Statutes, relating to the Police Standards and Training Commission.

"(l) Sections 944.58, 944.581, 944.582, 944.583, 944.584(4) and (5), 944.585, 944.586, 944.587, 944.588, 944.589, 944.590, 944.591, 944.592, and 944.593, Florida Statutes, relating to the Correctional Standards Council.

"(m) Section 267.0615, Florida Statutes, relating to the Historic Preservation Project Review Council.

"(n) Section 20.19(5), Florida Statutes, relating to the district advisory councils of the Department of Health and Rehabilitative Services.

"(o) Section 20.19(7), Florida Statutes, relating to the District Human Rights Advocacy Committees of the Department of health and Rehabilitative Services.

"(p) Section 20.19(6), Florida Statutes, relating to the statewide Human Rights Advocacy Committee.

"(q) Section 601.154(4), Florida Statutes, relating to the School Marketing Program Administrative Committee.

"(r) Sections 570.38 and 570.39, Florida Statutes, relating to the Animal Industry Technical Council.

"(s) Sections 570.42 and 570.43, Florida Statutes, relating to the Dairy Industry Technical Council.

"(t) Sections 487.061, 570.52, and 576.091, Florida Statutes, relating to the Fertilizer and Pesticide Technical Councils and the Fertilizer Technical Council.

"(u) Sections 570.23, 570.24, 570.25, 570.26, 570.27 and 570.28, Florida Statutes, relating to the State Agricultural Advisory Council.

"(v) Section 570.282, Florida Statutes, relating to the Florida Consumers' Council.

"(w) Sections 570.34 and 570.35, Florida Statutes, relating to Plant Industry Technical Council.

"(x) Sections 582.01(3)(b) and 582.06, Florida Statutes, relating to the Soil and Water Conservation Council.

"(y) Sections 573.843, 573.844, and 573.845, Florida Statutes, relating to to Soybean Advisory Council.

"(z) Section 550.025, Florida Statutes, relating to the Florida Thoroughbred Racing Advisory Committee.

"(aa) Section 601.9914(4), Florida Statutes, relating to the Canned Juice Quality Council.

"(bb) Section 229.805(3)(b), Florida Statutes, relating to the Educational Television Advisory Council and to powers of the Department of Education.

"(cc) Sections 246.201, 246.203, 246.205, 246.207, 246.209, 246.211, 246.213, 246.215, 246.217, 246.219, 246.220, 246.221, 246.223, 246.225, 246.227, 246.229, and 246.231, Florida Statutes, relating to the State Board of Independent Post-secondary Vocational, Technical, Trade, and Business Schools.

"(dd) Sections 233.07, 233.08, 233.09, 233.10, and 233.11, Florida Statutes, relating to the State Instructional Materials Councils.

"(ee) Section 230.751, Florida Statutes, relating to the State Community College Council.

"(ff) Section 413.011, Florida Statutes, relating to the Advisory Council for the Blind.

"(gg) Sections 257.02 and 257.031, Florida Statutes, relating to the State Library Council.

"(hh) Section 616.251, Florida Statutes, relating to the Florida State Fair Authority.

“(ii) Section 266.301, Florida Statutes, relating to the Historic Boca Raton Preservation Board of Commissioners.

“(jj) Section 266.401, Florida Statutes, relating to the Historic Tampa-Hillsborough County Preservation Board of Trustees.

“(kk) Section 20.19(3)(c)2, Florida Statutes, relating to the Child Care Advisory Sub-Council, the Children's Medical Services Program Advisory Council, the Health Program Office Advisory Council; the Kidney Disease Committee of the Health Program Office Advisory Committee; the Medicaid Advisory Sub-Council; the Mental Health Program Office Advisory Council; the Vocational Rehabilitation Advisory Sub-Council for Deaf People; the Youth Services Program Office Advisory Council.

“(ll) Sections 493.23(3) and 493.53, Florida Statutes, relating to the Private Security Advisory Council.

“(mm) Section 241.755, Florida Statutes, relating to the Diabetes Advisory Council.

“(nn) Section 229.8055(5), Florida Statutes, relating to the Environmental Education Advisory Council.

“(oo) Section 231.10, Florida Statutes, relating to the Florida Council on Teacher Education.

“(pp) Section 239.68, Florida Statutes, relating to the Florida Student Financial Aid Advisory Council.

“(qq) Section 230.66(2), Florida Statutes, relating to the Industry Services Advisory Council.

“(rr) Section 231.57, Florida Statutes, relating to the Professional Practices Council.

“(ss) Section 468.144, Florida Statutes, relating to the Speech Pathology and Audiology Advisory Council.

“(tt) Section 246.031, Florida Statutes, relating to the State Board of Independent Colleges and Universities.

“(uu) Section 231.604, Florida Statutes, relating to the State Council for Teacher Education Centers.

“(vv) Section 13.9988, Florida Statutes, relating to the Balance of State Prime Sponsor Advisory Council.

“(ww) Section 292.04, Florida Statutes, relating to the Advisory Council on Veterans' Affairs.

“(xx) Section 509.301, Florida Statutes, relating to the Advisory Council for Industry Education.

“(yy) Section 468.154, Florida Statutes, relating to the Bureau of Electronic Repair Dealer Registration Advisory Board.

“(zz) Section 457.15, Florida Statutes, relating to the Certified Shorthand Court Reporters Advisory Board.

“(aaa) Section 718501(2), Florida Statutes, relating to the Condominium Advisory Board.

“(bbb) Section 372.072(4), Florida Statutes, relating to the Endangered and Threatened Species Advisory Council.

“(ccc) Section 509.291, Florida Statutes, relating to the Industry Advisory Council.

“(ddd) Section 372.921(2), Florida Statutes, relating to the Wildlife Exhibitors Criteria Committee.

“(eee) Section 288.10, Florida Statutes, relating to the Florida Council on International Development.

“(fff) Section 272.12(2) and (3), Florida Statutes, relating to the Capitol Center Planning Commission.

“(ggg) Section 288.39(7), Florida Statutes, relating to the Small Business Advisory Council.

“(hhh) Section 446.031, Florida Statutes, relating to the State Apprenticeship Council.

“(iii) Section 288.347, Florida Statutes, relating to the Tourism Advisory Council.

“(jjj) Section 288.344, Florida Statutes, relating to the Florida Tourism Commission.

“(kkk) Section 443.12(5)(b), Florida Statutes, relating to the Unemployment Insurance Advisory Council.

“(lll) Section 440.44(8), Florida Statutes, relating to the Workmen's Compensation Advisory Council.

“(mmm) Section 23.030, Florida Statutes, relating to the Data Processing Advisory Committee, Administrative Management Information Center.

"(nnn) Section 601.158(10), Florida Statutes, relating to the Florida Citrus Harvesting Research and Development Advisory Committee.

"(ooo) Section 20.19(7), Florida Statutes relating to the Florida State Hospital Human Rights Advocacy Committees and the Retardation Human Rights Advocacy Committees.

"(ppp) Sections 400.304 and 400.307, Florida Statutes, relating to the State Nursing Home Ombudsman Committee and the Regional Nursing Home Ombudsman Committees.

"(qqq) Section 381.493(3)(k), Florida Statutes, relating to the Statewide Health Coordinating Council.

"(rrr) Section 633.511, Florida Statutes, relating to the Florida Fire Safety Board.

"(sss) Section 175.271, Florida Statutes, relating to the Municipal Firemen's Pension Trust Fund Advisory Committee.

"(ttt) Section 185.231, Florida Statutes, relating to the Municipal Police Officers' Retirement Trust Fund Advisory Committee.

"(uuu) Section 374.031, Florida Statutes, relating to the Canal Authority Board.

"(vvv) Section 320.864, Florida Statutes, relating to the Advisory Council on Mobile Home and Recreational Vehicle Manufacturers.

"(www) Section 945.065, Florida Statutes, relating to the Prison Industry Commission.

"(xxx) Section 20.315(10), Florida Statutes, relating to the Department of Offender Rehabilitation Regional Advisory Councils.

"(yyy) Section 559.69, Florida Statutes, relating to the Collection Agency Advisory Council.

"(zzz) Section 601.9914(6), Florida Statutes, relating to the Chilled Juice Quality Council.

"(aaaa) Sections 13.998, 13.9981, 13.9982, 13.9984, and 13.9987, Florida Statutes, relating to the State Manpower Services Council and to the authority of comprehensive regional planning councils.

"(bbbb) Section 20.18(4), Florida Statutes, relating to the Council of Community Affairs.

"(cccc) Sections 633.30(4), 633.31, 633.32, and 633.33, Florida Statutes, relating to the Firefighters Standards and Training Council.

"(dddd) Section 420.005(3), Florida Statutes, relating to the Florida Council on State Housing Goals.

"(eeee) Section 20.18(5), Florida Statutes, relating to the Interdepartmental Coordinating Council on Community Services.

"(ffff) Section 272.18, Florida Statutes, relating to the Governor's Mansion Advisory Council.

"(gggg) Sections 406.02, 406.03, 406.04 and 406.05, Florida Statutes, relating to the Medical Examiners Commission.

"(hhhh) Section 396.171, Florida Statutes, relating to the State Alcoholism Advisory Council.

"(iiii) Section 267.031(2), Florida Statutes, relating to the Religious Heritage Advisory Council.

"(jjjj) Section 241.68(1), Florida Statutes, relating to the Board of Trustees of the State Theater of Florida.

"(kkkk) Sections 265.13, 265.14, 265.15 and 265.151, Florida Statutes, relating to the Stephen Foster Memorial Board of Trustees.

"(llll) Sections 265.26, 265.261, and 265.27, Florida Statutes, relating to the Board of Trustees of the John and Mable Ringling Museum of Art.

"(mmmm) Sections 265.28 and 265.29, Florida Statutes, relating to the Fine Arts Council.

"(nnnn) Sections 226.01-266.07, Florida Statutes, relating to the St. Augustine Preservation Board of Trustees.

"(oooo) Section 266.101-266.106, Florida Statutes, relating to the Historic Pensacola Preservation Board of Trustees.

"(pppp) Sections 266.201-266.206, Florida Statutes, relating to the Key West Preservation Board of Trustees.

"(qqqq) Sections 266.110-266.115, Florida Statutes, relating to the Historic Tallahassee Preservation Board of Trustees.

"(rrrr) Section 267.031(2), Florida Statutes, relating to the authority of the Secretary of State to appoint advisory councils.

"(ssss) Section 589.01, 589.02 and 589.03, Florida Statutes, relating to the Florida Forestry Council.

"(tttt) Section 449.17, Florida Statutes, relating to the Private Employment Agencies Advisory Committee.

"(uuuu) Section 320.694, Florida Statutes, relating to the Motor Vehicle Dealer Advisory Committee.

"(vvvv) Section 616.21(2), Florida Statutes, relating to the Agricultural and Livestock Fair Council.

"(xxxx) Section 719.501(2), Florida Statutes, relating to the Cooperative Apartments Advisory Board."

11.6115 Legislative review of boards, committees, commissions, and councils adjunct to executive agencies; additional provisions

(1)(a) In accordance with the intent expressed in s. 11.611, Florida Statutes, 1978 Supplement, s. 553.77, as amended by chapter 78-323, Laws of Florida, shall be repealed on October 1, 1981, and the State Board of Building Codes and Standards shall be subject to legislative review as required by s. 11.611 (4), (5), and (6), Florida Statutes, 1978 Supplement.

(b) In accordance with the intent expressed in s. 11.611, Florida Statutes, 1978 Supplement, s. 450.54 as created by chapter 79-261, Laws of Florida, shall be repealed on October 1, 1981, and the Balance of the State Private Industry Council shall be subject to legislative review as required by s. 11.611 (4), (5), and (6), Florida Statutes, 1978 Supplement.

(c) In accordance with the intent expressed in s. 11.611, s. 943.145, as created by chapter 80-71, Laws of Florida, shall stand repealed on October 1, 1981, and shall be subject to legislative review as required by s. 11.611 (4), (5), and (6).

(2) In accordance with the intent expressed in s. 11.611, Florida Statutes, 1978 Supplement, s. 381.3712 (4) shall be repealed on July 1, 1985, and the Florida Cancer Control and Research Advisory Board shall be subject to legislative review as required by s. 11.611 (4), (5), and (6), Florida Statutes, 1978 Supplement.

(3)(a) In accordance with the intent expressed in s. 11.611, Florida Statutes, 1978 Supplement, s. 372.5714,[1] as created by chapter 79-285, Laws of Florida, shall be repealed on October 1, 1985, and the Waterfowl Advisory Committee shall be subject to legislative review as required by s. 11.611 (4), (5), and (6), Florida Statutes, 1978 Supplement.

(b) In accordance with the intent expressed in s. 11.611, chapter 80-315, Laws of Florida, including this paragraph shall be repealed on October 1, 1985, and shall be subject to legislative review as required by s. 11.611 (4), (5), and (6).

(4) The provisions of chapter 80-190, Laws of Florida which establish and relate to the powers and duties of the Education Standards Commission and the Education Practices Commission and ss. 231.02, 231.14, 231.15, 231.17, 231.24, and 231.30 shall stand repealed on July 1, 1986, and shall be reviewed by the Legislature pursuant to ss. 11.61 and 11.611.

(5)(a) In accordance with the intent expressed in s. 11.611, s. 381.345, as created by chapter 80-62, Laws of Florida, shall be repealed on October 1, 1986, and the Diabetes Advisory Council shall be subject to legislative review as required by s. 11.611 (4), (5), and (6).

---

[1] The reference to "s. 372.5714" was substituted by the division of statutory revision for "s. 372.5745" to conform to the renumbering of that section in preparing the Florida Statutes 1979.

(b) In accordance with the intent expressed in s. 11.611, ss. 265.287, 265.288, and 265.289, as created by chapter 80-288, Laws of Florida, shall be repealed on October 1, 1986, and the State Theater Board of Florida shall be subject to legislative review as required by s. 11.611 (4), (5), and (6).

(c) In accordance with the intent expressed in s. 11.611, s. 265.285, as created by chapter 80-319, Laws of Florida, shall be repealed on October 1, 1986, and the Florida Fine Arts Council shall be subject to legislative review as required by s. 11.611 (4), (5), and (6).

Laws 1979, c. 79-152, § 8, eff. July 1, 1979; Laws 1979, c. 79-261, § 9, eff. July 1, 1979; Laws 1979, c. 79-285, § 3, eff. Oct. 1, 1979; Laws 1979, c. 79-320, § 8, eff. July 1, 1979; Laws 1980, c. 80-62, § 2, eff. July 1, 1980; Laws 1980, c. 80-71, § 15, eff. July 1, 1980; Laws 1980, c. 80-190, § 11, eff. Oct. 1, 1980; Laws 1980, c. 80-288, § 4, eff. Oct. 1, 1980; Laws 1980, c. 80-315, § 5, eff. Oct. 1, 1980; Laws 1980, c. 80-319, § 4, eff. Oct. 1, 1980.

GEORGIA

REVIEW, CONTINUATION, REESTABLISHMENT OR TERMINATION OF REGULATORY AGENCIES

Ga. Code Ann. § 84-1b (1979 Main Volume; 1981 Cum. Pocket Part Examined)

CHAPTER 84-1B REVIEW, CONTINUATION, REESTABLISHMENT OR TERMINATION OF REGULATORY AGENCIES

Sec.

84-101b Short title
84-102b Findings and purpose
84-103b Regulatory agency defined
84-104b Legislative review
84-105b Performance audit
84-106b Conforming laws to termination, continuation or reestablishment; reports
84-107b Terminations of regulatory agencies
84-108b Termination period for agencies
84-109b Continuation or reestablishment
84-110b Rights and claims protected

84-101b Short title

This Chapter shall be known and may be cited as "The Act Providing for the Review, Continuation, Reestablishment or Termination of Regulatory Agencies."

(Acts 1977, p. 961, eff. July 1, 1977.)

84-102b Findings and purposes

The General Assembly finds that the need for and the effectiveness of many regulatory agencies which have been created in the State of Georgia has not been systematically evaluated. It is the purposes of this Chapter to establish a procedure for the systematic review of regulatory agencies to the end that those which do not serve the public interest shall be terminated and that others which do serve a public need shall be continued or modified to increase their effectiveness and efficiency.

(Acts 1977, p. 961, eff. July 1, 1977.)

84-103b Regulatory agency defined

As used in this Chapter, unless the context clearly requires otherwise, "regulatory agency" means any agency specified in section 84-107b and any department, division, board, bureau, commission or other agency of the executive branch of the State government created by law after January 1, 1977, which is created for the purpose of licensing or otherwise regulating or controlling any profession, business or trade.

(Acts 1977, pp. 961, 962, eff. July 1, 1977.)

84-104b Legislative review

(a) The President of the Senate and the Speaker of the House of Representatives shall assign each of the regulatory agencies to a standing committee of their respective Houses for the purpose of review. Prior to termination, continuation or reestablishment of any regulatory agency, the Senate and House committees to which a particular agency is assigned shall conduct a joint public hearing or hearings for the purpose of receiving testimony from the public and from the officials of the regulatory agency involved relative to the need for and the effectiveness and efficiency of the agency. At any such hearing, the agency shall have the burden of demonstrating a public need for its continued existence.

(b) The determination as to whether a regulatory agency has demonstrated a public need for its continued existence shall take into consideration, among others, the following factors;

(1) whether the absence of regulation would significantly harm, affect or endanger the public health, safety or welfare;

(2) whether there is a less restrictive method of regulation available which would adequately protect the public;

(3) the extent to which the regulatory agency has permitted qualified applicants to serve the public;

(4) the extent to which affirmative action requirements of State and Federal statutes and constitutions have been complied with by the regulatory agency or the profession, business or trade it regulates;

(5) the extent to which the regulatory agency has operated in the public interest and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, practices and rules and regulations, and any other circumstances, including budgetary, resource and personnel matters;

(6) the extent to which the regulatory agency has recommended statutory changes to the General Assembly which would benefit the public as opposed to the persons it regulates;

(7) the extent to which the regulatory agency has required the persons it regulates to report to it concerning the impact of rules and decisions of the regulatory agency or the public regarding improved service, economy or service and availability of service;

(8) the extent of which persons regulated by the regulatory agency have been required to assess problems in their profession, business or trade which affect the public;

(9) the extent to which the regulatory agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates;

(10) the efficiency with which formal public complaints filed with the regulatory agency concerning persons subject to regulation have been processed to completion by the regulatory agency; and

(11) the extent to which changes are necessary in the enabling laws of the regulatory agency to adequately comply with the factors listed in this subsection.

(Acts 1977, pp. 961, 962, 1978, p. 2012, eff. April 5, 1978.)

Editorial note.—Acts 1978, p. 2012, rewrote subsection (a).

84-105b Performance audit

The State Auditor shall conduct a performance audit of each regulatory agency scheduled for termination as provided in this Chapter. The performance audit shall be completed by the first day of October immediately preceding the date established for termination of the regulatory agency. A copy of each such audit shall be submitted to each member of the Senate and House committees to which the particular agency has been assigned for review, to the presiding officers of the Senate and the House of Representatives, to the Governor, to the Attorney General and to the Legislative Counsel.

(Acts 1977, pp. 961, 963; 1978, pp. 2012, 2013, eff. April 5, 1978.)

Editorial note.—Acts 1978, pp. 2012, 2013, entirely superseded the former section.

84-106b Conforming laws to termination, continuation or reestablishment; reports

(a) If the legislation review process required by section 84-104b results with a determination that:

(1) the regulatory agency involved shall be allowed to terminate as scheduled then the committees completing the review shall have prepared proposed legislation which may be necessary, if any, to conform related laws to the termination of the regulatory agency; or

(2) the regulatory agency involved shall be continued or reestablished, then the committees completing the review shall have prepared proposed legislation necessary to accomplish such continuation or reestablishment, and a separate bill or resolution shall be prepared for each regulatory agency continued or reestablished.

(b) The Senate and House Committees to which a regulatory agency has been assigned for review shall issue reports of their findings and recommendations to the Governor, to the regulatory agency involved and to each member of the General Assembly. Such reports may be issued separately by the reviewing committees or jointly when a majority of the members of each reviewing committee are in agreement as to the recommendations and findings. Such reports shall contain copies of any legislation which must be enacted in order to fulfill the requirements of this section.

(Acts 1977, pp. 961, 964; 1978, pp. 2012, 2013, eff. April 5, 1978.)

Editorial note.—(Acts 1978, pp. 2012, 2013, added the words "or resolution" in subsection (a)(2) and rewrote subsection (b).

84-107b Termination of regulatory agencies

(a) Unless reestablished or continued in accordance with the provisions of section 84-109b, the following regulatory agencies shall be terminated on July 1, 1978, and the laws relating to such agencies, as indicated below, shall be repealed in their entirety effective on the date specified in section 84-108b.

(1) The Georgia Auctioneers Commission. Code Chapter 84-3A, relative to auctioneers and apprentice auctioneers. [But see Editorial Note, post.]

(2) The State Board of Geologists Examiners. Code Chapter 84-21A, known as the "Registration of Geologists Act of 1975," as amended. [But see Editorial Note, post.]

(3) The Employment Agency Advisory Council. An Act known as the "Private Employment Agencies Act," approved March 21, 1974 (Ga. Laws 1974, p. 567) [Chapter 84-41, section 84-9967]. [But see Editorial Note, post.]

(4) The State Board of Examiners for Certified Water and Wastewater Treatment Plant Operators. An Act known as the "Certification of Water and Wastewater Treatment Plant Opera-

tors Act," approved April 8, 1969 (Ga. Laws 1969, p. 272), amended [Chapter 84-52].

An Act amending an Act known as the "Certification of Water and Wastewater Treatment Plant Operators Act," approved April 24, 1975 (Ga. Laws 1975, p. 1074) [Chapter 84-52]. [But see Editorial Note, post.]

(5) The Board of Hearing Aid Dealers and Dispensers. An Act known as the "Georgia State Hearing Aid Dealers and Dispensers Act," approved March 24, 1970 (Ga. Laws 1970, p. 653) [Chapter 84-56, section 84-9982]. [Repealed and reenacted by Acts 1978, p. 1728.]

(6) The State Building Administrative Board. An Act creating the State Building Administrative Board, approved April 21, 1969 (Ga. Laws 1969, p. 546), as amended [Chapter 84-60]. [But see Editorial Note, post.]

(7) The Georgia Franchise Practices Commission. Code Chapter 84-66, known as the Motor Vehicle, Farm Machinery and Construction Equipment Franchise Practices Act (Ga. Laws 1976, p. 1440). [But see Editorial Note, post.]

(8) The State Board of Examiners of Speech Pathology and Audiology. An Act known as the "Georgia State Speech Pathology and Audiology Act," approved March 26, 1974 (Ga. Laws 1974, p. 1009), as amended [Chapter 84-67, section 84-9990]. [But see Editorial Note, post.]

(9) The State Board of Registration for Professional Soil Classifiers. An Act regulating professional soil classifying, approved April 7, 1976 (Ga. Laws 1976, p. 1654) [Chapter 84-73, section 84-9998]. [But see Editorial Note, post.]

(b) Unless reestablished or continued in accordance with the provisions of section 9 of this Act, the following regulatory agencies shall be terminated on July 1, 1980, and the laws relating to such agencies, as indicated below, shall be repealed in their entirety effective on the date specified in section 8 of this Act.

(1) The Georgia State Board of Electrical Contractors. An Act known as the "Georgia Electrical Contractors Act," approved April 8, 1971 (Ga. Laws 1971, p. 583), as amended [Chapter 84-57, section 84-9983].

(2) The Georgia Board of Private Detective and Security Agencies. An Act known as the "Georgia Private Detective and Private Security Agencies Act," approved March 12, 1973 (Ga. Laws 1973, p. 40), as amended [Chapter 84-65, section 84-9988].

(3) The Georgia Marriage and Family Counselor Licensing Board. An Act known as the "Marriage and Family Counselor Licensing Act," approved March 24, 1976 (Ga. Laws 1976, p. 659) [Chapter 84-70, section 84-9995].

(4) The Board of Recreation Examiners of the State of Georgia. An Act creating the Board of Recreation Examiners of the State of Georgia, approved March 8, 1968 (Ga. Laws 1968, p. 137), as amended [Chapter 84-59].

(5) Georgia State Board of Funeral Service. An Act creating and establishing a Board of Funeral Service, approved February 13, 1950 (Ga. Laws 1950, p. 238), as amended [Chapter 84-8, sections 84-9936.1, 84-9936.2].

An Act requiring county boards of health to inspect funeral establishments, approved March 17, 1959 (Ga. Laws 1959, p. 359) [section 84-828].

(6) The Georgia State Board of Physical Therapy. An Act known as the "Georgia Physical Therapy Act," approved March 21, 1972 (Ga. Laws 1972, p. 388) [Chapter 84-30, section 84-9952].

(7) The State Board of Examiners of Psychologists. An Act making provision for licensure of applied psychologists through a State Board of Examiners of Psychologists, approved February 21, 1951 (Ga. Laws 1951, p. 408), as amended. [Chapter 84-31, section 84-9955].

(8) The Structural Pest Control Commission. An Act known as the "Structural Pest Control Act," approved March 7, 1955 (Ga. Laws 1955, p. 564), as amended [Chapter 84-34, section 84-9959].

(9) The State Board of Dispensing Opticians. An Act creating the State Board of Dispensing Opticians, approved February 17, 1956 (Ga. Laws 1956, p. 148), as amended [Chapter 84-35, section 84-9960].

(10) The State Board of Examiners of Registered Professional Sanitarians. An Act regulating to the practice of professional sanitarians, approved March 7, 1957 (Ga. Laws 1957, p. 219), as amended. [Chapter 84-37, section 84-9963].

(11) The State Board of Warm Air Heating Contractors. An Act regulating the installation of warm air heating equipment, approved February 25, 1949. (Ga. Laws 1949, p. 1622), as amended. [Chapter 84-38, section 84-9964].

(12) The State Board of Registration of Used Car Dealers. An Act known as the "Used Car Dealers' Registration Act," approved February 20, 1958. (Ga. Laws 1958, p. 55), as amended [Chapter 84-39, section 84-9965].

(13) The Georgia State Board of Landscape Architects. Code Chapter 84-40, relative to landscape architects (Ga. Laws 1976, p. 1730).

(14) The Georgia State Board of Cosmetology. An Act regulating the occupation of cosmetology, approved March 11, 1963 (Ga. Laws 1963, p. 45), as amended [Chapter 84-44, section 84-9971].

(15) The State Board of Registration for Dealers in Used Motor Vehicle Parts. An Act known as the "Dealers in Used Motor Vehicle Parts Registration Act," approved March 14, 1966 (Ga. Laws 1966, p. 471), as amended [Chapter 84-46, section 84-9974].

(16) The State Board of Examiners of Plumbing Contractors. An Act creating the State Board of Examiners of Plumbing Contractors, approved March 15, 1968 (Ga. Laws 1968, p. 308), as amended [Chapter 84-47, section 84-9975].

(17) The Georgia State Board of Nursing Home Administrators. An Act relating to nursing homes and personal care homes, approved April 8, 1968 (Ga. Laws 1968, p. 1143), as amended [Chapter 84-49, section 84-9977].

(c) Unless reestablished or continued in accordance with the provisions of section 84-109b, the following regulatory agencies shall be terminated on July 1, 1982, and the laws relating to such agencies, as indicated below, shall be repealed in their entirety effective on the date specified in section 84-108b.

(1) The Board of Polygraph Examiners. An Act known as the "Georgia Polygraph Examiners Act," approved April 9, 1968 (Ga. Laws 1968, p. 1217), as amended [Chapter 84-50, section 84-9978].

(2) The State Board of Registration for Foresters. An Act creating the State Board of Registration for Foresters, approved February 21, 1951 (Ga. Laws 1951, p. 581, as amended [Chapter 43-2A, sections 43-9906, 43-9907].

(3) The Board of Practical Nurse Examiners of Georgia. An Act providing for the licensing of practical nurses, approved March 2, 1953 (Ga. Laws 1953, Nov.-Dec. Sess. [Jan.-Feb.], p. 333), as amended [Chapter 84-68, section 84-9957].

(4) The State Board of Accountancy. Code Chapter 84-2, relative to accountants, as amended.

Code section 84-9902, relative to penalties for violating Chapter 84-2, relating to certified public accountants, as amended.

(5) The State Board for Examination, Qualification and Registration of Architects. Code Chapter 84-3, relative to architects, as amended.

Code section 84-9903, relative to the penalty for practicing as an architect without compliance with Chapter 84-3; false oaths and injunctions, as amended.

(6) The Georgia State Board of Barbers. An Act known as the "Georgia Barber Act," approved April 19, 1973 (Ga. Laws 1973, p. 1450) [Chapter 84-4, section 84-9904].

(7) The Georgia Board of Chiropractic Examiners. Code Chapter 84-5, relative to chiropractors, as amended.

Code section 84-9905, relative to the penalty for practicing chiropractic without a license.

(8) The State Board of Podiatry Examiners. Code Chapter 84-6, relative to podiatry or chiropody, as amended.

Code section 84-9906, relative to the penalty for practicing podiatry without a license, as amended.

(9) The Board of Dental Examiners of Georgia Code Chapter 84-7, relative to dentists and dental hygienists, as amended.

Code section 84-9907, relative to penalty for practicing dentistry under another's license.

Code section 84-9909, relative to the penalty for practicing dentistry without a license.

Code section 84-9911, relative to the burden of proof as to authority to practice dentistry.

(10) The Composite State Board of Medical Examiners. Code Chapter 84-9, relative to medical practitioners, as amended.

An Act to prohibit the issuance of licenses to practice medicine or pharmacy to any person who is not a citizen of the United States, approved March 23, 1939 (Ga. Laws 1939, p. 319), as amended [sections 84-925 through 84-9940, 84-9941].

An Act known as the "Physician's Assistant Act," approved March 31, 1972 (Ga. Laws 1972, p. 676 [Chapter 84-62].

An Act known as the "Orthotists Practice Act," approved March 31, 1976 (Ga. Laws 1976, p. 1349) [Chapter 84-72, section 84-9997].

Code section 84-9914, relative to practicing medicine illegally, as amended.

Code section 84-9918, relative to fraudulently buying, selling or obtaining a license to practice of osteopathy.

Code section 84-9919, relative to the illegal practice of osteopathy.

(11) The Georgia Board of Nursing. Code Chapter 84-10, relative to nurses, as amended.

An Act providing for the participation of nurse anesthetists in the administration of anesthesia, approved April 12, 1973 (Ga. Laws 1973, p. 433), as amended [Chapter 84-10A].

Code section 84-9915, relative to penalties for violating Chapter 84-10, relating to the practice of nursing, as amended.

(12) The Board of Examiners in Optometry. Code Chapter 84-11, relative to optometrists, as amended.

Code section 84-9917, relative to the penalty for practicing optometry without a license.

(13) The Georgia State Board of Pharmacy. Code Chapter 79A-2, relative to the Georgia State Board of Pharmacy, as amended.

(14) The Georgia Real Estate Commission. Code Chapter 84-14, relative to real estate brokers and salesmen, as amended.

Section 2 of an Act amending Code Title 84, relative to professions, businesses and trades, so as to comprehensively revise the laws relative to real estate brokers and salesmen, approved March 16, 1973 (Ga. Laws 1973, p. 100) [section 84-9921].

Code section 84-9922, relative to refusal to testify or produce evidence before the Real Estate Commission.

(15) The State Board of Veterinary Medicine. Code Chapter 84-15, known as the Georgia Veterinary Practice Act, as amended.

(16) The State Board of Registration for Professional Engineers and Land Surveyors. Code Chapter 84-21, relative to professional engineers and land surveyors.

(17) The State Board for the Certification of Librarians. An Act establishing a State Board for the Certification of Librarians, approved March 31, 1937 (Ga. Laws 1937, p. 245) [Chapter 84-22].

(18) The Georgia Board of Occupational Therapy. An Act known as the "Georgia State Occupational Therapy Licensing Act," approved March 31, 1976 (Ga. Laws 1976, p. 993) [Chapter 84-71, section 89-9996].

(Acts 1977, pp. 961, 964; 1978, pp. 1761, 1762, eff. April 3, 1978.)

Editorial note

Acts 1978, pp. 1761, 1762, deleted paragraph (9) of subsection (a), renumbered paragraph (10) as paragraph (9), and added paragraph (18) of subsection (c).

Acts 1978, p. 1492, eff. April 3, 1978, provides that:

> "(a) The termination date of the State Board of Examiners for Certified Water and Wastewater Treatment Plant Operators is July 1, 1981. This Act, as now or hereafter amended, shall stand repealed in its entirety on July 1, 1982 unless extended by law.
>
> "(b) The provisions of this Section are pursuant to the Act known as 'The Act Providing for the Review, Continuation, Reestablishment or Termination of Regulatory Agencies', approved March 24, 1977 (Ga. Laws 1977, p. 961), and this Section shall serve to continue the State Board of Examiners for Certified Water and Wastewater Treatment Plant Operators in accordance with the dates established by subsection (a) of this Section."

Acts 1978, p. 1505, eff. April 3, 1978, enacted §84-6613 to provide as follows:

> "(a) The termination date of the Georgia Franchise Practices Commission is July 1, 1980. This Code Chapter, as now or hereafter amended, shall stand repealed in its entirety on July 1, 1981.
>
> "(b) The provisions of this section are pursuant to "The Act Providing for the Review, Continuation, Reestablishment or Termination of Regulatory Agencies" [Chapter 84-1B], and this section shall serve to continue the Georgia Franchise

Practices Commission in accordance with the dates established by subsection (a) of this section."

By Resolution (Acts 1978, p. 2097), the termination date of the Employment Agency Advisory Council (subsection (a)(3)) is changed from July 1, 1978, to July 1, 1984.

By Resolution (Acts 1978, p. 2098), the termination date of the State Building Administrative Board (subsection (a)(6)) is changed from July 1, 1978, to July 1, 1979.

By Resolution (Acts 1978, p. 2099), the termination date of the State Board of Registration for Professional Soil Classifiers (subsection (a)(9)) is changed from July 1, 1978, to July 1, 1980.

By Resolution (Acts 1978, p. 2106), the termination date of the Georgia Auctioneers Commission (subsection (a)(1)) is changed from July 1, 1978, to July 1, 1980.

By Resolution (Acts 1978, p. 2136), the termination date of the State Board of Geologists Examiners (subsection (a)(2)) is changed from July 1, 1978, to July 1, 1981.

By Resolution (Acts 1978, p. 2149), the termination date of the State Board of Examiners of Speech Pathology and Audiology (subsection (a)(8)) is changed from July 1, 1978, to July 1, 1981.

84-108b Termination period for agencies

Upon its termination as provided by section 84-107b, each regulatory agency shall continue in existence until July 1 of the next succeeding year for the purpose of concluding its affairs and activities. During that termination period, the powers or authority of the regulatory agency terminated shall not be reduced or otherwise limited. The laws relative to such regulatory agency shall be continued in effect for the duration of the termination period only for the purpose of concluding its affairs. As of the last day of the termination period, the laws relative to each respective terminated regulatory agency shall stand repealed in their entirety. During the termination period, the regulatory agency shall not issue any new licenses nor renew any licenses, nor collect any license fees which were not due and payable prior to the date of termination of the agency.

(Acts 1977, pp. 961, 971, eff. July 1, 1977.)

84-109b Continuation or reestablishment

(a) Any regulatory agency may be continued or reestablished by the General Assembly for a period not to exceed six years.

(b) Any regulatory agency created after January 1, 1977, shall continue in existence for not more than six years from the effective date of its establishment unless the Act creating such agency specifically provides that such agency shall not be subject to the provisions of this Chapter.

(Acts 1977, pp. 961, 971, eff. July 1, 1977.)

84-110b Rights and claims protected

The termination of a regulatory agency pursuant to the provisions of this Chapter shall not cause the dismissal of any claim or right of any citizen against any regulatory agency or any claim or right of a regulatory agency terminated pursuant to this Chapter which is subject to litigation. Unless otherwise provided by legislation adopted pursuant to paragraph (1) of subsection (a) of section 84-106b, such claims and rights shall be assumed by the Joint-Secretary, State Examining Boards, until their final disposition.

(Acts 1977, pp. 961, 971, eff. July 1, 1977.)

HAWAII

HAWAII REGULATORY LICENSING REFORM ACT

Haw. Rev. Stat. § 26-H (1979 Supp.; 1980 Sess. Laws)

[CHAPTER 26H]

HAWAII REGULATORY LICENSING REFORM ACT

Section
[26H-1] Title
[26H-2] Policy
26H-3 Definitions
26H-4 Repeal dates
26H-5 Evaluation; report
26H-6 New regulatory measures
[26H-7] Repeal of subsections

[§ 26H-1] Title. This chapter shall be known as the "Hawaii Regulatory Licensing Reform Act". [L 1977, c 70, pt of § 2]

Legislative findings and purpose, see L 1977, c 70, § 1.
Severability clause, see L 1977, c 70, § 3.

"Sec. 26H-2 Policy. The legislature hereby adopts the following policies concerning professional and vocational regulation within the State:

(1) The regulation and licensing of professions and vocations by the State shall be undertaken only where reasonably necessary to protect the health, safety, or welfare of consumers of the service; the purpose of regulation shall be the protection of the public welfare and not that of the regulated profession or vocation;

(2) Where regulation of professions and vocations is reasonably necessary to protect consumers, government regulation in the form of full licensure or other restrictions on the professions or vocations should be retained or adopted;

(3) Professional and vocational regulation shall be imposed where necessary to protect consumers who, because of a variety of circumstances, may be at a disadvantage in choosing or relying on the provider of the service;

(4) Evidence of abuses by providers of the service shall be accorded great weight in determining whether government regulation is desirable;

(5) Professional and vocational regulation which artificially increases the costs of goods and services to the conumer should be avoided;

(6) Professional and vocational regulation should be eliminated where its benefits to consumers are outweighed by its costs to taxpayers; and

(7) Regulation shall not unreasonably restrict entry into professions and vocations by all qualified persons."

[SECTION 2.] †

§ 26H-3 Definitions. As used in this chapter:

---

† "SECTION 2" has been supplied by reviser. It is apparent that some material is missing at this point. In S.B. No. 118, S.D. 2, the following reference to § 26H-5 appeared: "SECTION 2. Section 26H-5, Hawaii Revised Statutes, is amended to read as follows:".

(1) "Director" means the director of regulatory agencies.

(2) "Repeal date" means the effective date of repeal established for various chapters by section 26H-4. [L 1977, c 70, pt of § 2; am L 1979, c 121, §1]

Amendment note.—L 1979 deleted definitions of "joint committee" and "impact statement".

§ 26H-4 Repeal dates. (a) The following chapters are hereby repealed effective December 31, 1979:

(1) Chapter 443 (Collection Agencies Board)*
(2) Chapter 467A (Rental Agencies)

(b) The following chapters are hereby repealed effective December 31, 1980:

(1) Chapter 436 (Board of Examiners for Abstract Makers)
(2) Chapter 439 (Board of Cosmetology)
(3) Chapter 447 (Dental Hygienists)
(4) Chapter 463 (Board of Private Detectives and Guards)
(5) Chapter 468J (Travel Agencies)
(6) Chapter 471 (Board of Veterinary Examiners)
(7) Chapter 438 (Board of Barbers)
(8) Chapter 443 (Collection Agencies Board)**

(c) The following chapters are hereby repealed effective December 31, 1981:

(1) Chapter 441 (Cemetery Board)
(2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
(3) Chapter 457A (Board of Examiners of Nursing Home Administrators)
(4) Chapter 458 (Board of Dispensing Opticians)
(5) Chapter 459 (Board of Examiners in Optometry)
(6) Chapter 465 (Board of Certification for Practicing Psychologists)
(7) Chapter 468E (Board of Speech Pathology and Audiology)
(8) Chapter 452 (Board of Massage)

(d) The following chapters are hereby repealed effective December 31, 1982:

(1) Chapter 436D (Board of Acupuncture)
(2) Chapter 437B (Motor Vehicle Repair Industry Board)
(3) Chapter 442 (Board of Chiropractic Examiners)
(4) Chapter 448E (Board of Electricians and Plumbers)
(5) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
(6) Chapter 466 (Board of Public Accountancy)
(7) Chapter 467 (Real Estate Commission)
(8) Chapter 448H (Elevator Mechanics Licensing Board)

(e) The following chapters are hereby repealed effective December 31, 1983:

(1) Chapter 444 (Contractors License Board)
(2) Chapter 448 (Board of Dental Examiners)
(3) Chapter 453 (Board of Medical Examiners)

---

*L 1979, Act 76, effective December 31, 1980, deletes this provision from this subsection and makes it a part of subsection (b).

**This provision is transferred here from subsection (a) by L 1979, Act 76, effective December 31, 1980.

(4) Chapter 457 (Board of Nursing)
(5) Chapter 460 (Board of Osteopathic Examiners)
(6) Chapter 460J (Pest Control Board)
(7) Chapter 461 (Board of Pharmacy)

(f) The following chapters are hereby repealed effective December 31, 1984;

(1) Chapter 455 (Board of Examiners in Naturopathy)
(2) Chapter 463E (Podiatry)

(g) The following chapters are hereby repealed effective December 31, 1985:

(1) Chapter 437 (Motor Vehicle Industry Licensing Board).
[(2)] Chapter 440 (Boxing Commission). [L 1977, c 70, pt of § 2; am L 1978, c 158, §2, c 162, § 1, and c 163, § 1;. am L 1979, c 22, § 1, c 23, § 1, c 24, § 1, c 75, § 1, c 76, § 1, c 105, § 3, and c 217, §1]

Revision note.—Reference to Chapter 446D (Degree Granting Institutions) has been deleted from the enumeration in subsection (a) because Chapter 446D was repealed by L 1979, Act 135, effective May 26, 1979.

Amendment note.—L 1978—C 158 amended subsections (a), (b), (c) and (f). C 162 amended subsection (a) by deleting former paragraph (5) and renumbering remaining paragraphs, and added subsection (g). C 163 amended subsection (a) by deleting paragraph (6) and added subsection (g).

L 1979—In addition to changes noted below, CC 22, 23, 24, 75, 76 and 217 deleted former subsection (a), redesignated remaining subsections, and deleted the reference "Hawaii Revised Statutes" in subsection (f). C22 deleted former subsection (b)(1) and added subsection (g)(1). C23 deleted former subsection (b)(22) and added subsection (g)(2). C 24 amended subsection (b)(8) and added subsection (e)(6). C 75 deleted former subsection (b)(7) and added subsection (c)(8). C 76 deleted former subsection (b)(3) and added subsection (b)(8). C 105 amended subsection (e) by adding new paragraph (6) and renumbering former paragraph (6) as (7). C 217 deleted former subsection (b)(5) and added subsection (d)(8).

"**Sec. 26H-5 Evaluation; report.** (a) The legislative auditor shall evaluate each board, commission, and regulatory program created under a chapter repealed by section 26H-4 and shall submit an evaluation report to the legislature prior to the convening of the regular session of the year of the repeal date. The evaluation shall assess whether the regulatory program established by the chapter complies with the policies established by section 26H-2 and whether the public interest requires that the chapter be reenacted, modified, or permitted to expire. Each board or commission and the director shall assist the auditor in collecting and reporting such data as the auditor may require to conduct the evaluation. Even if the auditor finds that the chapter should not be reenacted, the auditor shall evaluate the effectiveness and efficiency of the regulatory program and make appropriate recommendations to improve policies, procedures, and practices. The legislature may hold a public hearing on each evaluation report. If the auditor finds that a regulatory program within the chapter should be permitted to expire, the auditor shall make recommendations, if needed, for appropriate restrictions to be placed on the program subsequent to the termination of regulation.

(b) If the legislative auditor receives written comments from the board, commission, or department of regulatory agencies, the legislative auditor shall append the written comments to each copy of the evaluation report prior to submission to the legislature."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 4. This Act shall take effect upon its approval. (Approved May 28, 1980.)

§26H-6 New regulatory measures. New regulatory measures being considered for enactment which if enacted would subject unregulated professions and vocations to licensing or other regulatory controls shall be referred to the director for analysis. The analysis required by this section shall set forth the probable effects of the proposed regulatory measure and assess whether its enactment is consistent with the policies set forth in section 26H-2. The analysis shall also assess alternative forms of regulation. The director shall submit each report of analysis to the legislature. [L 1977, c 70, pt of § 2; am L 1979, c 171, § 3]

Amendment note.—L 1979 rewrote entire section.

[§26H-7] Repeal of subsections. Any subsection of section 26H-2 may be repealed or amended and such action shall not affect other provisions or applications of this chapter. [L 1977, c 70, pt of §2]

---

*The text has been edited pursuant to HRS § 23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

ILLINOIS

Regulatory Agency Sunset Act

Ill. Ann. Stat. ch. 127, § 1091 et seq. (1980-81 Cum. Ann. Pocket Part)

REGULATORY AGENCY SUNSET ACT [NEW]

1901. Short title

§ 1. This Act shall be known and may be cited as the "Regulatory Agency Sunset Act".
P.A. 81-999, § 1, eff. Sept. 22, 1979.

Section 15 of P.A. 81-999, approved Sept. 22, 1979, provided:
"This Act takes effect upon its becoming a law."

1902. Legislative findings and intent

§ 2. (a) The General Assembly finds that State government actions have produced a substantial increase in numbers of agencies, growth of programs and proliferation of rules and regulations and that the whole process developed without sufficient legislative oversight, regulatory accountability or a system of checks and balances. The General Assembly further finds that by establishing a system for the termination or continuation of such agencies, it will be in a better position to evaluate the need for the continued existence of present and future regulatory bodies.

(b) It is the intent of the General Assembly:

(1) That no profession, occupation, business, industry or trade shall be subject to the State's regulatory power unless the exercise of such power is necessary to protect the public health, safety or welfare from significant and discernible harm or damage. The exercise of the State's police power shall be done only to the extent necessary for that purpose.

(2) That the State shall not regulate a profession, occupation, industry, business or trade in a manner which will unreasonably and adversely affect the competitive market.

(3) To provide systematic legislative review of the need for, and public benefits derived from, a program or function which licenses or otherwise regulates the initial entry into a profession, occupation, business, industry or trade by a periodic review and termination, modification, or continuation of such programs and functions.

P.A. 81-999, § 2, eff. Sept. 22, 1979.

Library references

Administrative Law and Procedure ⚿ 124.
C.J.S. Public Administrative Bodies and Procedure § 19 et seq.

1903. Definitions

§ 3. As used in this Act, unless the context clearly requires otherwise, "regulatory agency" or "agency" means any arm, branch, department, board, committee or commission of State government that licenses, supervises, exercises control over, or issues rules regarding, or otherwise regulates any trade, occupation, business, industry or profession.
P.A. 81-999, § 3, eff. Sept. 22, 1979.

1904. Repeal

§ 4. The Acts listed in Sections 4.1 through 4.5 are repealed on the dates indicated, unless prior to the respective dates of repeal the General Assembly enacts legislation providing for the continuation of any agency affected by the repealer.
P.A. 81-999, 4, eff. Sept. 22, 1979.

1904.1. Repealer

§ 4.1. The following Acts are repealed October 1, 1981:

(1) The "Weather Modification Control Act", approved September 10, 1973.[1]

(2) The "Sanitarian Registration Act", approved August 23, 1965, as amended.[2]

(3) The "Water Well and Pump Installation Contractor's License Act", approved July 21, 1959, as amended.[3]

(4) The "Structural Pest Control Act", approved August 26, 1975.[4]

(5) "An Act for the regulation of the business of horseshoeing", approved June 28, 1915, as amended.[5]

(6) The "Athletic Exhibition Registration Act", approved July 31, 1967, as amended.[6]

(7) "An Act to provide for licensing and regulating detection of deception examiners, and to make an appropriation in connection therewith", approved August 23, 1963, as amended.[7]

P.A. 81-999, § 4.1, eff. Sept. 22, 1979.

[1] Chapter 111, ¶¶ 7301 to 7344.
[2] Chapter 111, ¶¶ 5901 to 5925.
[3] Chapter 111, ¶¶ 7101 to 7130.
[4] Chapter 111½, ¶¶ 2201 to 2225.
[5] Chapter 111, ¶¶ 3001 to 3029.
[6] Chapter 111, ¶¶ 1401 to 1442.
[7] Chapter 111, ¶¶ 2401 to 2432.

1904.2. Repealer

§ 4.2. The following Acts are repealed October 1, 1983:

(1) "An Act to regulate the practice of public accounting and to repeal certain Acts therein named", approved July 22, 1943, as amended.[1]

(2) The "Illinois Certified Shorthand Reporters Act", approved August 20, 1965, as amended.[2]

(3) "The Veterinary Medicine and Surgery Practice Act", approved August 14, 1961, as amended.[3]

(4) "An Act to provide for Licensing and Regulating Detectives and Detective Agencies, and to safeguard the interest of the public", approved June 26, 1933, as amended.[4]

(5) "An Act in relation to the regulation of persons engaged in the practice of funeral directing and embalming, and to repeal an Act therein named", filed July 12, 1935, as amended.[5]

(6) The "Social Workers Registration Act", approved September 8, 1967, as amended.[6]

P.A. 81-999, § 4.2, eff. Sept. 22, 1979.

[1] Chapter 111, ¶¶ 5501 to 5536.
[2] Chapter 111, ¶¶ 6101 to 6133.
[3] Chapter 111, ¶¶ 6901 to 6930.
[4] Chapter 111, ¶¶ 2601 to 2639.
[5] Chapter 111, ¶¶ 2801 to 2843.
[6] Chapter 111, ¶¶ 6301 to 6325.

1904.3 Repealer

§ 4.3 The following Acts are repealed October 1, 1985:

(1) "The Illinois Optometric Practice Act", approved June 15, 1961, as amended.[1]

(2) "An Act to regulate the practice of podiatry in the State of Illinois", approved April 26, 1977, as amended.[2]

(3) The "Pharmacy Practice Act", approved July 11, 1955, as amended.[3]

(4) The "Nursing Home Administrators Licensing Act", approved September 22, 1969, as amended.[4]

(5) The "Psychologist Registration Act", approved August 15, 1963, as amended.[5]

(6) The "Illinois Barber Law", approved July 18, 1947, as amended.[6]

(7) "The Illinois Beauty Culture Act", approved June 30, 1925, as amended.[7]

(8) "An Act concerning public utilities", approved June 29, 1921, as amended.[8]

(9) The "Collection Agency Act", approved September 8, 1974, as amended.[9]

P.A. 81-999, § 4.3, eff. Sept. 22, 1979.

[1] Chapter 111, ¶¶ 3801 to 3833.
[2] Chapter 111, ¶¶ 4901 to 4942.
[3] Chapter 111, ¶¶ 4001 to 4113.
[4] Chapter 111, ¶¶ 3601 to 3633.
[5] Chapter 111, ¶¶ 5301 to 5329.
[6] Chapter 111, ¶¶ 1601 to 1670.
[7] Chapter 111, ¶¶ 1801 to 1839.
[8] Chapter 111⅔, ¶¶ 1 to 95.
[9] Chapter 111, ¶¶ 2001 to 2040.

1904.4. Repealer

§ 4.4. The following Acts are repealed October 1, 1987:

(1) The "Medical Practice Act", approved June 30, 1923, as amended.[1]

(2) "An Act to regulate the practice of dental surgery and dentistry in the State of Illinois, and to repeal certain acts therein named", approved June 11, 1909, as amended.[2]

(3) "The Illinois Nursing Act", approved June 14, 1951, as amended.[3]

(4) The "Illinois Physical Therapy Registration Act", approved August 3, 1951, as amended.[4]

(5) The "Illinois Insurance Code", approved June 29, 1937, as amended.[5]

(6) The "Physician's Assistants Practice Act", approved September 11, 1975, as amended.[6]

P.A. 81-999, § 4.4, eff. Sept. 22, 1979.

[1] Chapter 111, ¶¶ 4401 to 4504.
[2] Chapter 111, ¶¶ 2202 to 2255.
[3] Chapter 111, ¶¶ 3401 to 3477.
[4] Chapter 111, ¶¶ 4201 to 4231.
[5] Chapter 73, ¶¶ 613 to 1665.315.
[6] Chapter 111, ¶¶ 4751 to 4769.

1904.5. Repealer

§ 4.5. The following Acts are repealed October 1, 1989:

(1) "The Illinois Land Surveyors Act", approved July 29, 1939, as amended.[1]

(2) "The Real Estate Brokers and Salesmen License Act", approved September 30, 1973, as amended.[2]

(3) The "Illinois Land Sales Act", approved August 26, 1969, as amended.[3]

(4) "The Illinois Architectural Act", approved June 24, 1919, as amended.[4]

(5) "The Illinois Structural Engineering Act", approved June 24, 1919, as amended.[5]

(6) "The Illinois Professional Engineering Act", approved July 20, 1945, as amended.[6]

(7) "An Act in relation to tree experts", approved September 5, 1974, as amended.[7]

P.A. 81-999, § 4.5 eff. Sept. 22, 1979.

[1] Chapter 111, ¶¶ 3201 to 3234.
[2] Chapter 111, ¶¶ 5701 to 5743.
[3] Chapter 30, ¶¶ 371 to 389.
[4] Chapter 111, ¶¶ 1201 to 1236.
[5] Chapter 111, ¶¶ 6501 to 6530.
[6] Chapter 111, ¶¶ 5101 to 5137.
[7] Chapter 111, ¶¶ 6701 to 6727.

1905. Studies of agencies by Bureau of Budget-Review by Governor-Recommendations

§ 5. The Bureau of the Budget shall study the performance of each regulatory agency scheduled for termination under this Act and report annually to the Governor the results of such study, including in the report recommendations with respect to those agencies the Bureau of the Budget determines should be terminated or continued by the State. The Governor shall review the report of the Bureau of the Budget and in each even-numbered year make recommendations to the General Assembly on the termination or continuation of regulatory agencies. The Governor's recommendations shall be made a part of the State budget submitted to the General Assembly in even-numbered years.

P.A. 81-999, § 5, eff. Sept. 22, 1979.

Library references

States 🔑73.
C.J.S. States §§ 130 to 136, 140.

1906. Termination or continuation of agencies—Factors in determination

§ 6. In conducting the study required under Section 5, the Bureau of the Budget shall consider, but is not limited to consideration of, the following factors in determining whether an agency should be recommended for termination or continuation:

(1) The extent to which the agency has permitted qualified applicants to serve the public;

(2) The extent to which the trade, business, profession, occupation or industry being regulated is being administered in a nondiscriminatory manner both in terms of employment and the rendering of services.

(3) The extent to which the regulatory agency has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures,

and practices of any other department of State government, and any other circumstances, including budgetary, resource, and personnel matters;

(4) The extent to which the agency has recommended statutory changes to the General Assembly which would benefit the public as opposed to the persons it regulates;

(5) The extent to which the agency has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency on the public regarding improved service, economy of service, and availability of service;

(6) The extent to which persons regulated by the agency have been required to assess problems in their industry which affect the public;

(7) The extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates and the extent to which such rules and decisions are consistent with statutory authority;

(8) The efficiency with which formal public complaints filed with the regulatory agency concerning persons subject to regulation have been processed to completion, by the executive director of the regulatory agencies, by the Attorney General and by any other applicable department of State government; and

(9) The extent to which changes are necessary in the enabling laws of the agency to adequately comply with the factors listed in this Section.

P.A. 81-999, § 6, eff. Sept. 22, 1979.

1907. Continuation of agency—Additional criteria in determination

§ 7. In determining whether to recommend to the General Assembly under Section 5[1] the continuation of a regulatory agency or any function thereof, the Governor shall also consider the following criteria:

(1) Whether the absence of regulation would significantly harm or endanger the public health, safety or welfare;

(2) Whether there is a reasonable relationship between the exercise of the State's police power and the protection of the public health, safety or welfare;

(3) Whether there is another less restrictive method of regulation available which could adequately protect the public;

(4) Whether the regulation has the effect of directly or indirectly increasing the costs of any goods or services involved, and if so, to what degree;

(5) Whether the increase in cost is more harmful to the public than the harm which could result from the absence of regulation; and

(6) Whether all facets of the regulatory process are designed solely for the purpose of, and have as their primary affect, the protection of the public.

P.A. 81-999, § 7, eff. Sept. 22, 1979.

[1] Paragraph 1905 of this chapter.

1908. Select joint committee on regulatory agencies

§8. The Select Joint Committee on Regulatory Agency Reform (hereinafter referred to as the Select Joint Committee) is established. It shall consist of 13 members to be appointed as follows:

(a) Three members of the Senate to be appointed by the President and Minority Leader thereof, no more than 2 of whom shall be affiliated with the same political party;

(b) Three members of the House to be appointed by the Speaker and Minority Leader thereof, no more than 2 of whom shall be affiliated with the same political party;

(c) Five public members to be appointed by the Governor, no more than 3 of whom shall be affiliated with the same political party.

(d) The Director of the Bureau of the Budget and the Chairman of the Economic and Fiscal Commission shall be members of the Committee during the terms of their respective offices.

The members shall be appointed by March 1, 1980. All appointive members shall serve until the first day of March of the odd numbered years following the year of their appointment and until their successors are appointed and qualified, except the General Assembly members shall serve such term or until termination of their legislative service, whichever first occurs. Vacancies shall be filled for the unexpired term in the same manner as original appointments. All appointments shall be in writing and filed with the Secretary of State as a public record. The members of the Select Joint Committee shall receive no compensation for their services, but may be reimbursed for actual expenses incurred in the performance of their duties. The Select Joint Committee may hire staff as necessary to assist it in the performance of its duties.

P.A. 81-999, §8, eff. Sept. 22, 1979.

1909. Review by select joint committee—Recommendations

§9. The Select Joint Committee shall commence review of licensing and regulatory functions enumerated in Sections 4.1 through 4.5[1] at least 18 months prior to the repeal dates stated in those Sections. Such review shall include public hearings. The Select Joint Committee shall recommend continuation, modification, or repeal of the regulatory functions on or before February 15 prior to each respective repeal date. A report of its recommendations shall be submitted to the Governor and the Speaker of the House and the President of the Senate for distribution to members of the General Assembly. The appropriate substantive committees of both House and the Senate, upon assignment by the Speaker and the President, respectively, shall be responsible for completing the review and evaluation required in this Act. The Governor may submit the Select Joint Committee's recommendations in appropriate form to the General Assembly as a reorganization plan under Article V, Section 11 of the Illinois Constitution.

P.A. 81-999, §9, eff. Sept. 22, 1979.

[1] Paragraphs 1904.1 to 1904.5 of this chapter.

1910. Additional criteria to be considered by select joint committee

§ 10. (a) In determining whether to recommend the re-establishment of a program or function the Select Joint Committee shall consider the following criteria, and any other, including those factors and criteria considered by the Bureau of the Budget and the Governor under Sections 6 and 7,[1] which are appropriate to the purposes of this Act:

(1) Would the absence of regulation significantly harm or endanger the public health, safety, or welfare?

(2) What effect, if any, does the regulatory or licensing process have on reducing competition within the regulated or licensed area?

(3) Is there a reasonable relationship between the exercise of the State's police power and the protection of the public health, safety or welfare?

(4) Is there another less restrictive method of regulation available which could adequately protect the public?

(5) Does the regulation have the effect of directly or indirectly increasing the costs of any goods or services involved, and if so, to what degree?

(6) Is the increase in cost more harmful to the public than the harm which could result from the absence of regulation?

(7) Are all facets of the regulatory process designed solely for the purpose of, and have as their primary effect, the protection of the public?

(b) In all hearings and determinations made by the Select Joint Committee, the respective regulatory agency shall have the burden of demonstrating a public need for its continued existence and the extent to which a change in the powers or transfer of the powers of the agency may increase the efficiency of administration and operation.

P.A. 81-999, § 10, eff. Sept. 22, 1979.

[1] Paragraphs 1906, 1907 of this chapter.

1911. Personnel or appropriations affected by repeal of regulatory law

§ 11. Personnel or appropriations affected by repeal of regulatory law. The General Assembly by law may provide for transitional use of personnel or appropriations affected by repeal of regulatory functions or programs under this Act. No later than one year from the date of repeal of any Act as provided in Sections 4.1 through 4.5[1] the board, committee or other such unit of government or subunit thereof, and the personnel positions responsible for carrying out the powers, duties, and functions created by such Act, shall be abolished and all unexpended balances of appropriations, allocation or other funds shall revert to the fund from which they were appropriated, or if that fund is abolished, to the General Revenue Fund.

P.A. 81-999, § 11, eff. Sept. 22, 1979.

[1] Paragraphs 1904.1 to 1904.5 of ths chapter.

1912. Re-establishment of programs or functions—Periodic review

§12. (a) Any program or function scheduled for termination under this Act may be re-established by the General Assembly for any period of time specified by law, not to exceed 10 years, at the end of which time the Select Joint Committee and the General Assembly shall again review such program, or function and may again re-establish, modify or allow the termination of such program or function.

(b) Any program or function created in whole or in part to regulate any profession or occupation by law enacted after the effective date of this Act shall be reviewed as provided in this Act, beginning during the next succeeding review cycle 10 years after the effective date of such law.

P.A. 81-999, §12, eff. Sept. 22, 1979.

1913. Bills—Continuation of regulatory agencies

§13. No more than one regulatory agency shall be continued in any bill for an Act enacted by the General Assembly, and such agency shall be mentioned in the bill's title.

P.A. 81-999, §13, eff. Sept. 22, 1979.

1914. Effect of Act—Claims, rights and obligations—Other legislation

§14. This Act shall not affect any claim or right of a citizen against any regulatory agency, or any claim or right of any agency, terminated pursuant to this Act. Those claims, rights and obligations shall be assumed by the Attorney General. Nothing in this Act shall interfere with the General Assembly otherwise considering legislation on any regulatory agency.

P.A. 81-999, §14, eff. Sept. 22, 1979.

REGULATORY REFORM ACT OF 1979 [NEW]

1951. Short title

§1. Short title. This Act shall be known and may be cited as the "Regulatory Reform Act of 1979".

P.A. 81-1131, §1, eff. Nov. 26, 1979.

Title of act

An Act in relation to the regulatory functions of State government and to provide for systematic review of proposed new regulation. P.A. 81-1131, certified and effective Nov. 26, 1979.

1952. Legislative intent

§2. Legislative intent. The General Assembly finds that the interests of the people of the State of Illinois are served by the regulation of certain professions and occupations, but that State government actions have produced a substantial increase in numbers of regulatory programs. The General Assembly further finds that by establishing a system for review of proposed regulatory programs, it will be in a better position to evaluate the need for such programs.

P.A. 81-1131, §2, eff. Nov. 26, 1979.

1953. Criteria for regulation of professions and occupations

§3. Criteria for regulation of professions and occupations. After the effective date of this Act, no regulation shall be imposed upon any profession or occupation unless required for the protection of the health, safety and welfare of the citizens of the State. In evaluating whether a profession or occupation shall be regulated, the following factors shall be considered:

(a) Whether the unregulated practice of a profession or occupation may significantly harm or endanger the public health, safety and welfare and whether the potential for harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) Whether the practice of a profession or occupation requires specialized skill or training and whether the public clearly needs and will benefit by assurances of initial and continuing professional or occupational ability;

(c) Whether the regulation would or does have the effect of directly or indirectly increasing the costs of any goods and services and, if so, whether such increase is or would be more harmful to the public than the harm which might result from the absence of regulation;

(d) Whether the regulatory process would or does significantly reduce competition in the field and, if so, whether such reduction is or would be more harmful to the public than the harm which might result from the absence of regulation; and

(e) Whether the citizens of the State are or may be effectively protected by other means.

P.A. 81-1131, §3, eff. Nov. 26, 1979.

1954. Modes of regulation

§4. Modes of regulation. If the General Assembly finds, after evaluation of the factors enumerated in Section 3 of this Act, that it is necessary to impose regulation on a profession or occupation not regulated before the effective date of this Act, then regulation shall be implemented in the least restrictive manner available in the following order:

(a) Implementation of a system of registration whereby practitioners of the profession or occupation must register with a designated State agency, but without the imposition of prequalifications or requirements for issuance of the registration other than payment of a fee. Grounds may be established for suspension, revocation or other discipline of the registration.

(b) Implementation of a system of licensure whereby a practitioner must receive recognition by the State that he or she has met predetermined qualifications, and persons not so licensed are prohibited from practicing the licensed profession or occupation. Grounds may be established for suspension, revocation or other discipline of the license.

Alternative forms of the regulatory modes described above may be implemented when necessary and appropriate in specific cases.

P.A. 81-1131, §4, eff. Nov. 26, 1979.

1955. Powers and duties of the Select Joint Committee on Regulatory Agency Reform

§5. Powers and duties of the Select Joint Committee on Regulatory Agency Reform. The Select Joint Committee on Regulatory Agency Reform, established under the "Regulatory Agency Sunset Act", approved September 22, 1979,[1] shall have the following powers and duties:

(a) To review proposals for new regulation to be imposed on any profession or occupation in accordance with the criteria in Sections 3 and 4 of this Act[2] and to make recommendations concerning the need for regulation and the appropriate mode of regulation. Such review shall include public hearings. A report of its recommendations shall be submitted to the Speaker of the House and the President of the Senate for distribution to members of the General Assembly and to the Governor.

(b) If the Select Joint Committee decides to recommend legislative action in the case of a new regulatory proposal, then the Select Joint Committee shall have drafted and have introduced into either house of the General Assembly appropriate legislation to implement the recommendations of the Committee.

P.A. 81-1131, §5, eff. Nov. 26, 1979.

[1] Paragraph 1901 et seq. of this chapter.

[2] Paragraphs 1953 and 1954 of this chapter.

1956. Effective date

§6. Effective date. This Act takes effect upon becoming a law.

P.A. 81-1131, §6, eff. Nov. 26, 1979.

P.A. 81-1131 was certified on Nov. 26, 1979.

1957. Repeal date

§7. Repeal date. This Act shall be repealed on June 30, 1990.

P.A. 81-1131, §7, eff. Nov. 26, 1979.

INDIANA

TERMINATION AND EVALUATION OF CERTAIN AGENCIES AND AGENCY PROGRAMS

Ind. Code Ann. Chap. 4-26-3 (1980 Cum. Supp.)

CHAPTER 3.—TERMINATION AND EVALUATION OF CERTAIN AGENCIES AND AGENCY PROGRAMS

Sec.

4-26-3-1. Purpose.
4-26-3-2. Definitions.
4-26-3-3. Performance schedule.
4-26-3-4. Evaluation committee.
4-26-3-5. Agency report and cooperation.
4-26-3-6. Governor's report.
4-26-3-7. Legislative council report.
4-26-3-8. Committee evaluation.
4-26-3-9. Committee report.
4-26-3-10. Administration of termination.
4-26-3-11. Delay of termination date by governor.
4-26-3-12. Enumeration of agencies abolished June 30, 1980.—Highway or transportation matters.
4-26-3-12.1. Enumeration of agencies continued until July 1, 1981—Transfer to departments of transportation or highways—Enumeration of agencies not abolished—Motor vehicle sales advisory board abolished.
4-26-3-13. Enumeration of agencies abolished June 30, 1981—Occupational licensing.
4-26-3-14. Enumeration of agencies abolished June 30, 1982—Commerce matters.
4-26-3-15. Enumeration of agencies abolished June 30, 1982—Agricultual matters.
4-26-3-16. Enumeration of agencies abolished June 30, 1982—Human resources or economic security matters.
4-26-3-17. Enumeration of agencies abolished June 30, 1983—Management or administration—Evaluation of nonterminated agencies.
4-26-3-18. Enumeration of agencies abolished June 30, 1983—Corrections or judicial matters—Evaluation of nonterminated agencies.
4-26-3-19. Enumeration of agencies abolished June 30, 1984—Public safety matters—Evaluation of adjutant general office.
4-26-3-20. Enumeration of agencies abolished June 30, 1984—Education matters—Evaluation of office of superintendent of public instruction.
4-26-3-21. Enumeration of agencies abolished June 30, 1985—Mental health matters.
4-26-3-22. Enumeration of agencies abolished June 30, 1985—Labor matters.
4-26-3-23. Enumeration of agencies abolished June 30, 1986—Taxation or finance—Evaluation of nonterminated agencies.
4-26-3-24. Enumeration of agencies abolished June 30, 1986—Higher education matters—Evaluation of nonterminated agencies.
4-26-3-25. Enumeration of agencies abolished June 30, 1987—Business regulation.
4-26-3-26. Enumeration of agencies abolished June 30, 1987—Health matters.
4-26-3-27. Enumeration of agencies abolished June 30, 1987—Resources, recreation or the arts.
4-26-3-28. Preservation of rights of citizens.
4-26-3-29. Constitutional powers, duties and functions excepted.
4-26-3-30. Termination of evaluation program.

4-26-3-1. Purpose.—The purpose of this chapter [4-26-3-1—4-26-3-30] is to establish a procedure for the responsible legislative evaluation of certain agencies and agency programs of state government to the end that (1) necessary agencies and agency programs be continued and unnecessary agencies and agency programs be terminated and (2) a restructuring of state government take place so that necessary agencies and agency programs be organized in a manner to provide efficient and effective government services. This chapter applies only to those agencies or agency programs designated for evaluation pursuant to this chapter. [IC 4-26-3-1, as added by Act 1978, P.L. 22, § 1, p. 747.]

Opinions of Attorney General. The Indiana general assembly has decided that the Indiana port commission is not abolished or subject to evaluation under this chapter, 1980, No. 80-11, p.—.

4-26-3-2. Definitions. "Agency" or "agency program" means any government activity that is named in sections 12 through 27 [4-26-3-12—4-26-3-27] of this chapter.

"Committee" means the evaluation committee established pursuant to section 4 [4-26-3-4] of this chapter [IC 4-26-3-2, as added by Acts 1978, P.L. 22, § 1; 1979, P.L. 31, § 1.]

Amendments. The 1979 amendment substituted "sections 12 through 27" for "sections 11 through 26" in the first paragraph.

Effective Dates. Acts 1979, P.L. 31, §19, declared an emergency. Approved April 9, 1979.

4-26-3-3. Performance schedule.—For purposes of the performance schedule under this section, all agency or agency programs named in sections 12 through 27 [4-26-3-12—4-26-3-27] of this chapter are considered to terminate on the earliest calendar date named in those sections. The following schedule is the time for performance of the different steps in the evaluation of agencies and agency programs:

(1) The chief administrative officer of each agency program shall file the report that section 5 [4-26-3-5] of this chapter requires on or before August 31 of the calendar year that is two [2] years before the year in which the agency or agency program terminates.

(2) The governor shall file the report that section 6 [4-26-3-6] of this chapter requires on or before December 31 of the calendar year that is two [2] years before the year in which the agency or agency program terminates. He may, however, begin work on this report at any time.

(3) The legislative council shall file the report that section 7 [4-26-3-7] of this chapter requires on or before December 31 of the calendar year that is two [2] years before the year in which the agency or agency program terminates. It may, however, begin work on this report at any time.

(4) The appointing authorities shall appoint the evaluation committee and its chairman under section 4 [4-26-3-4] of this chapter, and this committee shall begin to conduct business on or before July 1 of the calendar year that is two [2] years before the year in which the agency or agency program terminates.

(5) The evaluation committee shall submit a report that section 9 [4-26-3-9] of this chapter requires to the legislative council on or before September 30 of the calendar year that is one [1] year before the year in which the agency or agency program terminates. [IC 4-26-3-3, as added by Acts 1978, P.L. 22, §1; 1979, P.L. 31, §2.]

Amendments. The 1979 amendment substituted "sections 12 through 27" for "sections 11 through 26" in the first sentence.

Effective Dates. Acts 1979, P.L. 31, §19, declared an emergency. Approved April 9, 1979.

4-26-3-4. Evaluation committee.—(a) Whenever an agency program is subject to evaluation pursuant to this chapter [4-26-3-1—4-26-3-30], the speaker of the house of representatives and the president pro tempore of the senate shall each designate a standing committee from his respective house together to form the evaluation committee to evaluate that agency or agency program. If a standing committee is abolished, the designating authority shall promptly designate its successor for purposes of this chapter.

(b) The legislative council shall appoint the chairman of the evaluation committee.

(c) Each evaluation committee shall be composed of a standing committee of each house meeting jointly but voting separately. Approval of a majority of the members of both standing committees is required for any action of the evaluation committee, including its findings, recommendations, and its report under section 9 [4-26-3-9].

(d) The evaluation committee may conduct its business through one [1] or more subcommittees.

(e) By December 1 immediately following an election, the appointing authority shall fill any vacancies on a standing committee serving as an evaluation committee which are caused by that election. [IC 4-26-3-4, as added by Acts 1978, P.L. 22, §1, p. 747.]

4-26-3-5. Agency report and cooperation.—(a) The chief administrative officer and each agency or agency program employee shall cooperate with the committee, the legislative council, and the governors as each performs its duties under this chapter [4-26-3-1—4-26-3-30].

(b) The chief administrative officer of each agency or agency program shall provide the committee, the governor, and the legislative council with certain information in a format developed jointly by the legislative council and the governor, with the final form determined by the legislative council. The governor shall enforce the provision of this information by the agencies. The agency report shall contain the following information:

(1) The identity of all agencies or subunits under its direct or advisory control;

(2) A statement of all its powers, duties, and functions currently performed;

(3) A citation to all constitutional, statutory, or other authority under which it carries out its powers, duties, and functions;

(4) A statement of the number and types of persons it serves;

(5) A summary statement, for the last completed fiscal year, of the number, type, and cost of personnel it employs in carrying out each program, and a summary statement of the cost of personnel it employs under contract in carrying out each program;

(6) A statement identifying the source of all funds for which it has some responsibility;

(7) A statement of its performance and accomplishments in the last fiscal year and of the budgetary costs it incurred in the operation of each program;

(8) A summary statement of its reporting and recordkeeping requirements and activities, including its management and control of information and records and the value of the information gathered compared to the cost to respondents, and an assessment of its methods to reduce and simplify the reporting and recordkeeping requirements.;

(9) A summary statement of its budget and program for the current fiscal year and its budget projections for the next succeeding fiscal year, it it were to continue in existence;

(10) An estimate of potential outputs of services to be produced by varying levels of budgetary inputs;

(11) A statement concerning any powers, duties, or functions which, in its opinion, are being performed and duplicated to any extent by another public or private program or entity, including the manner in which, and the extent to which, this duplication of efforts is occuring, and any recommendations it has as to eliminating this situation;

(12) An analysis of the services and performance it estimates will be achieved if it were to continue in existence;

(13) A statement of any powers, duties of functions which, in its opinion, are inconsistent with current and projected public demands and which should be terminated or altered;

(14) A statement of the names of the private programs or entities with which it has substantial contact, and a description of the nature of that contact; and

(15) Any other information which the committee in its discretion, feels is necessary and proper to assit it in carrying out its duties [IC 4-26-3-5, as added by Acts 1978, P.L. 22, § 1, p. 747.]

4-26-3-6. Governor's report.—The governor shall review the information provided by the agency and submit to the committee his comments, recommendations, and proposals for reorganization of the agency or agency program. [IC 4-26-3-6, as added by Acts 1978, P.L. 22, § 1, p. 747.]

4-26-3-7. Legislative council report.—The legislative council shall cause audits to be made of the information provided by the agency and of the performance of the agency or agency program. The legislative council shall also recommend alternative approaches for agency or agency program reorganization. It shall submit these audits and recommendations to the committee. [IC 4-26-3-7, as added by Acts 1978, P.L. 22, § 1, p, 747.]

4-26-3-8. Committee evaluation.—(a) The elements the evaluation committee uses in making its determination of the need for continuance of an agency or agency program, shall include, but are not limited to:

(1) An identification of the objectives intended for the agency or agency program and the problem or need which the agency or agency program was intended to address;

(2) An assessment of the degree to which the original objectives of the agency or agency program have been achieved expressed in terms of performance, impact, or accomplishments of the agency or agency program and of the problem or need which it was intended to address; such assessment shall employ procedures or methods of analysis which the committee determines to be appropriate to the type or character of the agency or agency program.

(3) An assessment of the performance and accomplishments of the agency or agency program in the last fiscal year and of the budgetary costs incurred in the operation of the agency or agency program;

(4) An assessment of the degree to which the overall policies of the agency or agency program, as expressed in its rules, regulations, orders, standards, criteria, and decisions meet the objectives of the general assembly in establishing the agency or agency program;

(5) An assessment of the effect of the agency or agency program on the state economy, including costs to consumers and businesses;

(6) An assessment of the extent to which another public, or private program or entity can better or more economically meet the need;

(7) An evaluation of the reporting and recordkeeping requirements and activities of the agency or agency program, including the management and control of information and records and the value of the information gathered compared to the cost to respondents, and an assessment of methods to reduce and simplify the reporting and recordkeeping requirements;

(8) An assessment of the effects of altering or terminating the agency or agency program;

(9) An analysis of the services and performance estimated to be achieved if the agency or agency program were continued;

(10) The extent to which any information required to be furnished to the reviewing committees has been omitted, misstated, or refused, and the extent to which conclusions reasonably drawn from this information is adverse to the legislative intent inherent in the powers, duties, and functions and established in the enabling legislation creating the agency or agency program or is inconsistent with present or projected public demands or needs, including the needs of local units of government;

(11) The extent to which the operation of the agency or agency program has been efficient and responsive to public needs;

(12) The extent to which complaints have been expeditiously processed to completion in the public interest;

(13) The extent to which reorganization of the agency or agency program is needed to effect economy and efficiency in the delivery of its services; and

(14) Any other relevant criteria which the reviewing committee, in its discretion, deems necessary and proper in reviewing and assessing the sufficient public need for continuance of the agency or agency program.

(b) The committee shall identify, review, and evaluate in the manner provided in this chapter, any other agencies, agency programs, or state government activities that perform some similar functions to those agencies or agency programs that the committee is evaluating on the question of termination. [IC 4-26-3-8, as added by Acts 1978, P.L. 22, § 1, p. 747.]

4-26-3-9. Committee report.—(a) The committee shall submit a written report to the legislative council containing is findings and recommendations.

(b) If the committee recommends that the agency or agency program should continue in existence, then the report shall contain proposed legislation reflecting this recommendation of the committee.

(c) If the committee recommends that the agency or agency program be allowed to terminate, then the report shall contain proposed legislation to revise the statutes to reflect this termination and to provide for disposition of the records and equipment of the agency or agency program.

(d) If the committee recommends that the agency or agency program be transferred to, or merged with, another agency or agency program, then the report shall contain proposed legislation to revise the statutes to effect this transfer or merger.

(e) Whether the committee recommends that an agency or agency program continue in existence, be allowed to terminate, or be transferred to or merged with another agency or agency program, the report shall state the effect of the recommendations on the state budget. [IC-4-26-3-9, as added by Acts 1978, P.L. 22, § 1, p. 747.]

4-26-3-10. Administration of termination.—(a) All money appropriated to any agency or agency program that terminates returns to the fund from which that appropriation was made. However, the budget agency, with the consent of the governor, may transfer any part of this appropriation to any agency that is required to perform a function of the agency or agency program that terminates.

(b) The governor shall take necessary action to effect an orderly termination of any agency or agency program that terminates under this chapter. [IC 4-26-3-10, as added by Acts 1978, P.L. 22, § 1, p. 747.]

4-26-3-11. Delay of termination date by governor.—(a) The governor, by executive order, may delay the date on which an agency or agency program is abolished for one [1] year beyond the date of termination specified in this chapter, if in his opinion this delay will have a beneficial effect within the state on:

(1) The orderly and adequate provision of government services;
(2) The safety of persons or property;
(3) The economy;
(4) The natural environment; or
(5) The well-being of individuals.

(b) There is hereby appropriated to any agency or agency program for which the governor delays the date of abolition, the same sum from the same sources of funds that it received for its appropriation in the fiscal year before its original date for abolition.

(c) All powers, duties and functions of an agency or agency program for which the governor delays the date of abolition continue in full force and effect during the delay period. [IC 4-26-3-11, as added by Acts 1978, P.L. 22, § 1, p. 747.]

4-26-3-12. Enumeration of agencies abolished June 30, 1980—Highway or transportation matters.—The following agencies and agency programs, with highway or transportation matters as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1980, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on

June 30, 1980, are retired, and (2) they are subject to evaluation under this chapter [4-26-3-1—4-26-3-30]:

Aeronautics commission (IC 8-21-1-3).
Airport authority (IC 8-21-9-1).
Bi-State airport authority (IC 19-6-5 [19-6-5-1—19-6-5-7]).
Arterial road & street board (IC 8-11-3-2).
Commuter transportation districts boards of trustees (IC 19-5-2.6-4).
Medical advisory commission on driver licensure (IC 9-1-8-3).
State highway commission (IC 8-13-1-2).
Research & extension program for the county highway system (IC 8-17-7-1 through IC 8-17-7-8).
Research & extension program for county highway system advisory board (IC 8-17-7-2 and IC 8-17-7-5).
Bureau of motor vehicles (IC 9-1-1-1).
Motor vehicle sales advisory board (IC 9-10-4-1).
Port commission (IC 8-10-1-3).
Reciprocity commission (IC 9-7-7-1).
Toll bridge commission (IC 8-16-1-1).
Toll road commission (IC 8-15-2-3).
Traffic safety advisory committee (IC 9-6-2-3).
Office of the director of traffic safety (IC 9-6-2-2).
Transportation advisory commission (IC 8-13-13.5-1).
Public transportation advisory committee (IC 4-3-7-6).
County or area public transportation authority (IC 19-5-2.5 [19-5-2.5-1—19-5-2.5-19]).
Vehicle equipment safety commission (IC 9-8-5-1).
Vehicle inspection board (IC 9-8-11-3).
Department of vehicle inspection (IC 9-8-11-3). [IC 4-26-3-12, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. For continuation of agencies abolished pursuant to this section, see 4-26-3-12.1

Opinions of Attorney General. The Indiana general assembly has decided that the Indiana port commission is not abolished or subject to evaluation under this chapter. 1980, No. 80-11, p.—

4-26-3-12.1. Enumeration of agencies continued until July 1, 1981—Transfer to departments of transportation or highways—Enumeration of agencies not abolished—Motor vehicle sales advisory board abolished.—(a) Notwithstanding section 12 [4-26-3-12] of this chapter, the powers, duties, and functions adhering to the following agencies continue until July 1, 1981, on which date the powers, duties, and functions are transferred to the department of transportation created by IC 8-9.5-5 [8-9.5-5-1—8-9.5-5-13]:

Aeronautics Commission [IC 8-21-1-3].
Airport Authority [IC 8-21-9-1].

(b) Notwithstanding section 12 [4-26-3-12] of this chapter, the powers, duties, and functions adhering to the following agencies continue until July 1, 1981, on which date the powers, duties, and functions are transferred to the department of highways created by IC 8-9.5-4 [8-9.5-4-1—8-9.5-4-16]:

Arterial Road and Street Board [IC 8-11-3-2].
State Highway Commission [IC 8-13-1-2].
Research and Extension Program for County Highway System [IC 8-17-7-1 through IC 8-17-7-8].
Toll Bridge Commission [IC 8-16-1-1].

Toll Road Commission [IC 8-15-2-3].

(c) Notwithstanding section 12 [4-26-3-12] of this chapter, the powers, duties, and functions adhering to the Office of the Director of Traffic Safety [IC 9-6-2-2] continue until July 1, 1981.

(d) Notwithstanding section 12 [4-26-3-12] of this chapter, the following agencies are not abolished and the powers, duties, and functions adhering to them do not terminate on either June 30, 1980, or the date when all bonds and other evidence of indebtedness (including lease purchase agreements) outstanding on June 30, 1980, are retired:

Bi-State Airport Authority. [IC 19-6-5] [19-6-5-1—19-6-5-7].

Commuter Transportation Districts Boards of Trustees [IC 19-5-2.6-4].

Medical Advisory Commission on Driver Licensure [IC 9-1-8-3].

Bureau of Motor Vehicles [IC 9-1-1-1].

County or Area Public Transportation Authority [IC 19-5-2.5] [19-5-2.5-1—19-5-2.5-29].

Reciprocity Commission [IC 9-7-7-1].

Port Commission [IC 8-10-1-3].

(e) Notwithstanding section 12 [4-26-3-12] of this chapter, the Motor Vehicle Sales Advisory Board is abolished and all of its powers, duties, and functions terminate July 1, 1981, instead of June 30, 1980.

(f) The agencies listed in subsections (a), (b), (c), and (d) of this section are not subject to further evaluation under this chapter. The Motor Vehicle Sales Advisory Board is subject to further evaluation under this chapter. [IC 4-26-3-12.1, as added by Acts 1980, P.L. 74, § 8.]

Effective Dates. Acts 1980, P.L. 74, § 463(a)(2), declared an emergency. Approved March 3, 1980.

Opinions of Attorney General. The Indiana general assembly has decided that the Indiana port commission is not abolished or subject to evaluation under this chapter. 1980, No. 80-11, p. —.

4-26-3-13. Enumeration of agencies abolished June 30, 1981—Occupational licensing.—The following agencies and agency programs, with occupational licensing as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1981, or the date when all bonds or other evidence of indebtedness (including lease purchase agreements) outstanding on June 30, 1981, are retired, and (2) they are subject to evaluation under this chapter.

Board of public accountancy (IC 25-2-1-3).

Public accountants administrative committee (IC 25-2-1-7).

State board of certified actuaries (IC 25-3-1-3).

Board of registration for architects (IC 25-4-1-2).

Athletic commission (IC 25-9-1-1).

Auctioneer commission (IC 25-6-1-2) [25-6.1-2-1].

Board of barber examiners (IC 25-7-1-20).

Board of beauty culturist examiners (IC 25-8-1-23).

Commodity dealers licensing agency (IC 25-3.5-1-1).

Board of dental examiners (IC 25-14-1-2).

Board of embalmers & funeral directors (IC 25-15-1-3).

Board of registration for professional engineers and land surveyors (IC 25-31-1-3).

Board of registration and education for health facility administrators (IC 25-19-1-2).

Hearing aid dealer advisory committee (IC 25-20-1-7).

Medical licensing board (IC 25-22.5-2-1).

Mine foreman, fire boss, shot firer, hoisting engineer, & mining electrician certification board (IC 22-10-3-7).

Board of nurses' registration & nursing education (IC 25-23-1-2).

Board of registration and examination in optometry (IC 25-24-1-1).

Board of pharmacy (IC 25-26-1-1) [25-26-13-3].

Examining committee for physical therapists & physical therapists assistants (IC 25-27-1-4).

Plumbing commission (IC 25-28.5-1-3).

Board of podiatry examiners (IC 25-29-1-3).

Board of examiners in psychology (IC 25-33-1-3).

Real estate commission (IC 25-34-1-1).

Board of registration for professional sanitarians (IC 25-32-1-1).

Board of examiners on speech pathology and audiology (IC 25-36.5-2-1) [25-35.6-2-1].

Commission on teacher training and licensing (IC 20-1-1-1).

Board of television and radio service examiners (IC 25-36-1-4).

Board of veterinary medical examiners (IC 15-5-1-4).

Board of examiners on watch repairing (IC 25-38-1-2) [IC 4-26-3-13, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

The bracketed reference following "auctioneer commission" inserted by the compiler as 25-6-1-2 was repealed by § 2 of Acts 1977, P.L. 270 and replaced by 25-6.1-2-1.

The bracketed reference following "pharmacy board" inserted by the compiler as 25-26-1-1 was repealed by § 3 of Acts 1977, P.L. 276 and replaced by 25-26-13-3.

The bracketed reference following "board of examiners on speech pathology and audiology" was inserted by the compiler as that seemed the reference intended.

4-26-3-14. Enumeration of agencies abolished June 30, 1982.—Commerce matters.—The following agencies and agency programs, with commerce matters as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1982, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1982, are retired, and (2) they are subject to evaluation under this chapter.

Department of commerce (IC 4-4-3-2).

Department of commerce advisory commission (IC 4-4-3-4).

Economic development commissions (IC 18-6-4.5 [18-6-4.5-1—18-6-4.5-30]).

Economic development authority (IC 4-23-5-4).

Division of economic planning (IC 4-4-3-12).

Division of industrial promotion & development (IC 4-4-3-10).

Division of information (IC 4-4-3-13).

Division of international trade (IC 4-4-3-14).

Midwest nuclear board (IC 13-5-8-2).

Division of research (IC 4-4-3-9).

Division of tourist promotion & development (IC 4-4-3-11). [IC 4-26-3-14, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

4-26-3-15. Enumeration of agencies abolished June 30, 1982—Agricultural matters.—The following agencies and agency programs, with agricultural matters as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1982, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1982, are retired, and (2) they are subject to evaluation under this chapter [4-26-3-1—4-26-3-30]:

Agriculture experiment station (Acts 1889, c. 3 and IC 20-12-44-1).

Agriculture experiment station advisory committee (IC 20-12-44-2; IC 20-12-46-2 and IC 20-12-47-2).

Department of agriculture statistics (IC 20-12-40-1).

Animal disease diagnostic laboratory (IC 15-2.1-5-1).

Board of Animal Health (IC 15-2.1-3-1).

Cooperative Extension Service (IC 20-12-42.1 [20-12-42.1-1—20-12-42.1-4]).

Fair Board (IC 15-1-1-2).

Grain products research fund (Acts 1975, P.L. 349, § 1).

Standardbred board of regulations (IC 15-5-5.5-1).

State veterinarian (IC 15-2.1-2-1) [15-2.1-4-1]. [IC 4-263-15, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

The bracketed reference following "state veterinarian" was inserted by the compiler as that seemed the reference intended.

4-26-3-15. Enumeration of agencies abolished June 30, 1982—Human resources or economic security matters.—The following agencies and agency programs, with human resources or economic security matters as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1982, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1982, are retired, and (2) they are subject to evaluation under this chapter:

Commission on the aging & aged (IC 4-23-3-1).

Agency for the blind advisory committee [16-7-3-18].

Services for the blind advisory committee (IC 16-7-3-3.5-5).

Division of services for the blind [16-7-3.5-5].

Child support division (IC 12-1-6.1-2).

Child support division advisory committee (IC 12-1-6.1-4).

Claims review committee (IC 12-1-7-15.2).

Community services administration (IC 4-3-8-2).

Community services advisory committee (IC 4-3-8-6).

Social security disability determination advisory committee (IC 16-7-3.5-5).

Housing board (IC 18-7-11-22).

Interdepartmental board for the coordination of human service programs (IC 4-23-17-2).

Office of manpower development (IC 4-23-14-4).

Manpower development council (IC 4-23-14-6).

Advisory committee for medical assistance (IC 12-1-13-1).

Advisory committee for medical assistance for the aged [12-5-3-23].

Board of public welfare (IC 12-1-2-1).

State department of public welfare (IC 12-1-2-1).

Committee for the purchase of products and services of the severely handicapped (IC 16-7-11.5-2).

Rehabilitation services board (IC 16-7-3.5-2 and IC 16-7-3.5-4).

Social security disability advisory committee [16-7-3.5-5].

Division of social security disability determination [16-7-3.5-5].

Commission on veterans affairs (IC 10-5-1-5).

Indiana department of veterans affairs (IC 10-5-1-3 and IC 10-5-2-1).

Veterans' home (IC 16-7-3-5).

Veterans' home advisory committee (IC 16-7-3-7).

Vocational rehabilitation advisory committee (IC 16-7-3.5-5).

Division of vocational rehabilitation [16-7-3.5-5].

Youth council (IC 4-23-11-3).

Youth council citizens advisory committee [4-23-11-9]. [IC 4-26-3-16, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The bracketed references following certain agency designations were inserted by the compiler, however the references appearing in parentheses following other agency designations so appeared in the act.

4-26-3-17. Enumeration of agencies abolished June 30, 1983—Management or administration—Evaluation of nonterminated agencies.—(a) The following agencies and agency programs, with management or administration as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1983, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1983, are retired, and (2) they are subject to evaluation under this chapter:

Department of administration (IC 4-13-1-2).

Affirmative action office (IC 22-9-3-1).

Affirmative action advisory committee (IC 22-9-3-8).

State board of canvassers (IC 3-1-9-7) [3-1-9-17].

Certification board (architects and engineers for state construction) (IC 4-13-7-3).

Charles Warren Fairbanks will board (IC 19-9-16-2).

Data processing oversight commission (IC 4-23-16-1).

Education employment relations board (IC 20-7.5-1-9).

Educational services foundation (IC 20-11-2-2).

Election board (IC 3-1-3-1).

State employee's appeals commission (IC 4-15-1.5-1).

Ethics & conflicts of interest commission (IC 4-2-6-2).

Field examiners retirement board (IC 5-11-15-3).

Governor's mansion commission (IC 4-23-15-1).

Interlocal cooperation public agencies (IC 18-5-1 [18-5-1-1—18-5-7]).

Commission on interstate cooperation (IC 2-5-2-1).

Judges' retirement system board of trustees (IC 33-13-8-1 and IC 33-13-8-5).

Legislative council (IC 2-5-1-1) [2-5-1.1-1].

Local government units cooperative agencies (IC 18-5-1.5 [18-5-1.5-1—18-5-1.5-7]).

Personnel board (IC 4-15-1-1).

Office of director of state personnel (IC 4-15-1-2).

Multi-county planning commissions (IC 18-7-5.5 [18-7-5.5-1 18-7-5.5-9]).

Regional planning commissions (IC 18-7-1.1 [18-7-1.1-1—18-7-1.1-9]).

State planning services agency advisory committee (IC 4-3-7.6).

State planning services agency executive council (IC 4-3-7-5).

State planning services agency (IC 4-3-7-3).

Probate code study commission (IC 29-2-13-1).

Public employees' retirement fund board of trustees (IC 5-10.3-3-1).

Commission on public records (IC 5-15-5-1).

State office building commission (IC 4-13-11-1) [4-13.5-1-2].

Surplus property evaluation committee (IC 4-13-1.5-1).

Teachers' retirement fund board of trustees (IC 21-6.1-2-1).

Division of public transportation (IC 4-3-7.5-1).

(b) The following agencies and agency programs, with management or administration as their major function, are not abolished and do not terminate. However, they are subject to evaluation under this chapter. This evaluation shall proceed as if these agencies and agency programs were to terminate effective June 30, 1983.

Attorney general for the state of Indiana.

Governor (Indiana Constitution, Article 5, Section 1).

Lieutenant governor (Indiana Constitution, Article 5, Section 2).

Secretary of state (Indiana Constitution, Article 6, Section 1).

Judges' retirement fund (IC 33-13-8-3).

Public employees' retirement fund (IC 5-10.1-5-1).

Teachers' retirement fund (IC 21-6.1-2-1) [IC 4-26-3-17, as added by Acts 1978, P.L. 22, § 1, p. 747].

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

The bracketed reference following "state board of canvassers" was inserted by the compiler as that seemed the reference intended.

The bracketed reference following "legislative council" was inserted by the compiler as that section was repealed by § 2 of Acts 1978, P.L. 5 and replaced by 2-5-1.1-1.

The bracketed reference following "state office building commission" was inserted by the compiler as that section was repealed by Acts 1977, P.L. 31, § 7 and replaced by 4-13.5-1-2.

4-26-3-18. Enumeration of agencies abolished June 30, 1983—Corrections or judicial matters—Evaluation of nonterminated agencies.—(a) The following agencies and agency programs, with corrections or judicial matters as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1983, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1983, are retired, and (2) they are subject to evaluation under this chapter:

Boys' school (IC 11-3-1-1) [repealed]; IC 11-3-2-1 and IC 11-3-3-1 [repealed].

Board of correction (IC 11-1-1.1-3) [11-1-1.1-4].

Department of correction (IC 11-1-1.1-3).

Interstate corrections compact (IC 11-1-6 [11-1-6-1—11-1-6-20]).
State farm (IC 11-2-5-1).
Girls' school (IC 11-4-3-1 [repealed] and IC 11-4-4-1).
Division of industries & farms (IC 11-1-11.1-36).
Office of judicial administration (IC 33-2.1-7-1).
Judicial conference of Indiana (IC 33-13-14-1).
Judicial nominating commission (IC 33-2.1-4-1 and Constitution, Article 7).
Judicial nominating commission for the Municipal Court of Marion County (IC 33-6-1-12.1).
Judicial nominating commission for the Allen Superior Court (IC 33-5-5.1-30).
Judicial nominating commission for the Superior Court of Lake County (IC 33-5-29.5-28).
Judicial nominating commission for the St. Joseph Superior Court (IC 33-5-40-33).
Judicial nominating commission for the Vanderburgh Superior Court (IC 33-5-43.5-3).
Judicial study commission (IC 2-5-8-1).
Interstate compact on juveniles administrator (IC 31-5-3-3).
Juvenile justice division of the judicial study commission (IC 2-5-8-1.1 [repealed]).
Parole board (IC 11-1-1-7).
State prison (IC 11-2-3-2 [repealed]).
Public defender (IC 33-1-7-1).
Public defender council (IC 33-9-12 [33-9-12-1—33-9-12-4]).
Reception & diagnostic center (IC 11-3-6-5).
Reformatory (IC 11-2-3-1 [repealed]).
Reformatory institution for women and girls (IC 11-4-1-1).
Rockville training center (IC 11-3-7-1 and IC 11-3-7-2).
Westville correctional center (IC 11-2-7-1).
Women's prison (IC 11-4-1-1 and IC 11-4-2-1 [repealed]).
Division of youth authority (IC 11-1-2-2).
Youth authority advisory council (IC 11-1-2-11).
Youth center (IC 11-3-6-1).
Youth rehabilitation facility (IC 11-3-5-1).

(b) The following agencies and agency programs, with corrections or judicial matters as their major function, are not abolished and do not terminate. However, they are subject to evaluation under this chapter. This evaluation shall proceed as if these agencies and agency programs were to terminate effective June 30, 1983.

Clerk of the Supreme and Appellate Court (IC 33-15-1-1 and IC 33-3-1-3).
Reporter of the Supreme and Appellate Court (IC 33-15-8-1 and IC 33-15-8-4 [see compiler's notes]).
Supreme Court (IC 33-2-1-1 [superseded] and IC 33-2.1-2-1).
Court of Appeals (IC 33-2.1-2-2). [IC 4-26-3-18, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

Sections 11-3-1-1 and 11-3-3-1 concerning the Boys' School referred to in subsection (a) were repealed by § 1118 of Acts 1978, P.L. 2 and by § 57 of Acts 1978, P.L. 136, respectively.

The bracketed reference following "board of correction" was inserted by the compiler as that seemed the reference intended.

Section 11-4-3-1 concerning the Girls' School referred to in subsection (a) was repealed by § 57 of Acts 1978, P.L. 136 effective October 1, 1979.

Burns' Code, 2-5-8-1.1 creating the juvenile justice division of the judicial study commission was repealed by § 36 of Acts 1978, P.L. 6, effective May 1, 1978, and by § 57 of Acts 1978, P.L. 136, effective October 1, 1979. However, by § 56 of Acts 1978, P.L. 136, the division was continued until October 1, 1979.

Sections 11-2-3-1 concerning the reformatory and 11-2-3-2 concerning the state prison, referred to in subsection (a) were repealed by § 1118 of Acts 1978, P.L. 2, effective July 1, 1978.

Section 11-4-2-1 concerning the women's prison referred to in subsection (a) was repealed by § 57 of Acts 1978, P.L. 136 effective October 1, 1979.

There is no 33-15-8-4 in the Indiana Code as set out in subsection (b) following "reporter of the Supreme and Appellate Courts."

Section 33-2-1-1 referred to in subsection (b) was superseded by 33-2.1-2-1.

4-26-3-19. Enumeration of agencies abolished June 30, 1984.—Public safety matters.—Evaluation of adjutant general's office.— (a) The following agencies and agency programs, with public safety matters as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1984, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1984, are retired, and (2) they are subject to evaluation under this chapter:

Armory board (IC 10-2-2-9).
Office of the state building commissioner (IC 22-11-1-4).
Department of civil defense (IC 10-4-1-5).
Civil defense advisory council (IC 10-4-1-4).
Civil rights commission (IC 10-1-2.5-1).
Criminal justice advisory commission.
Criminal justice commission [criminal justice council] (IC 4-23-4-5).
Criminal justice commission advisory council (IC 4-23-4-5).
Criminal justice data division (IC 10-1-2.5-1).
Criminal justice planning agency [criminal justice agency] (IC 4-23-4-4).
Board of driver improvement (IC 9-1-9-1).
Emergency medical service commission (IC 16-1-39-3).
Commission of fire-fighting personnel standards & education (IC 5-2-3-1).
Office of state fire [marshal] marshall (IC 22-11-5-1).
Fire prevention commission (IC 22-11-5-2).
Law enforcement academy building commission (IC 5-2-2-1).
Law enforcement training board (IC 5-2-1-3).
Law enforcement training board advisory council (IC 5-2-1-3).
Military department (IC 10-2-2-1).
State police board (IC 10-1-1-1).
State police building commission (IC 10-1-6-2).
State police department (IC 10-1-1-1).
Prosecuting attorneys council of Indiana (IC 33-14-8-1).
Racing commission [4-25-2-1].
Rules & appeals board (boilers & pressure vessels) (IC 22-11-7-15).
State school bus committee (IC 20-9.1-4-1).
County sheriffs standard car-marking & uniform commission [17-3-11A-1].
Wage adjustment board (IC 22-2-2-6).

(b) The following agency and agency program, with public safety matter as its major function, is not abolished and does not terminate. However, it is subject to evaluation under this chapter. This evaluation shall proceed as if that agency and agency program were to terminate effective June 30, 1984.

Adjutant General (Indiana Constitution, Article 12, Section 3 and IC 10-2-2-1). [IC 4-26-3-19, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act, however, the bracketed references following two of the listed agencies were inserted by the compiler.

There appears to be no current statutory reference for criminal justice advisory commission.

The bracketed material following criminal justice commission and criminal justice planning agency was inserted by the compiler in view of the amendment of IC 4-23-4 by Acts 1980, P.L. 19.

The bracketed word "marshal" was inserted by the compiler.

As a result of the amendment of IC 4-23-4 by Acts 1980, P.L. 19, the criminal justice commission advisory council no longer exists.

4-26-3-20. Enumeration of agencies abolished June 30, 1984—Education matters—Evaluation of office of superintendent of public instruction.—(a) The following agencies and agency programs, with education matters as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1984, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1984, are retired, and (2) they are subject to evaluation under this chapter:

State attendance officer (IC 20-8.1-3-16).

School for the blind advisory board (IC 16-7-3-7).

Board of industrial aid & vocational rehabilitation for the blind (IC 16-7-9-1).

School for the blind (IC 16-7-6.5-1).

Soldiers' and Sailors' Children's Home (IC 16-7-3-5).

Soldiers' and Sailors' Children's Home advisory board (IC 16-7-3-7).

School for the Deaf (IC 16-7-13-1).

School for the Deaf advisory board (IC 16-7-3-7).

Commission on general education (IC 20-1-1-1).

Advisory council on special needs of handicapped children in public schools (IC 20-1-6-16).

State board of education (IC 20-1-1-1).

State commission for the reorganization of school corporations (IC 20-4-1-15).

Silvercrest Disability and Chronic Disease Facility (IC 16-11-12-1 [repealed]) [Silvercrest Children's Development Center, 16-7-16-1].

Silvercrest Disability and Chronic Disease Facility advisory board [Silvercrest Children's Development Center advisory board] (IC 16-7-3-7).

Commission on textbook adoption (IC 20-1-1-1).

(b) The following agency and agency program, with education matters as its major function, is not abolished and does not terminate. However, it is subject to evaluation under this chapter. This evaluation shall proceed as if that agency and agency program were to terminate effective June 30, 1984.

Superintendent of public instruction (Indiana Constitution, Article 8, Section 8). [IC 4-26-3-20, as added by Acts of 1978, P.L. 22 § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

The bracketed name and reference following "Silvercrest Disability and Chronic Disease Facility" inserted by the compiler as 16-11-12-1 was repealed by § 2 of Acts 1976, P.L. 64, which act established the Silvercrest Children's Development Center by 16-7-16-1.

The bracketed name following "Silvercrest Disability and Chronic Disease Facility advisory board was inserted by the compiler. See 16-7-16-1.

4-26-3-21. Enumeration of agencies abolished June 30, 1985—Mental health matters.—The following agencies and agency programs, with mental health matters as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1985, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1985, are retired, and (2) they are subject to evaluation under this chapter.

Addiction services advisory commission (IC 16-13-6.1-10) [16-13-1-5.5].

Division of addiction services (IC 16-13-6.1-3).

Beatty Memorial Hospital (IC 16-13-1-9 and IC 16-14-20-1 [repealed]).

Carter Memorial Hospital (IC 16-13-1-9).

Central State Hospital (IC 16-13-1-9 and IC 16-14-23 [16-14-23-1]).

Division of child mental health (IC 16-13-1-11).

Division of child mental health advisory board (IC 16-13-11 [repealed] and IC 16-13-1-12 [repealed])

Controlled substances advisory commission (IC 35-24.1-2-1) [35-48-2-1].

Evansville State Hospital (IC 16-13-1-9).

Evansville State Psychiatric Treatment Center for Children (IC 16-3-5-1).

Fort Wayne State Hospital & Training Center (IC 16-3-1-9 [16-13-1-9] and IC 16-15-5-1 [repealed]).

Logansport State Hospital (IC 16-13-1-9 and IC 16-14-23).

Madison State Hospital (IC 16-13-1-9 and IC 16-14-23-1 [16-14-23-1]).

Community mental health centers (IC 16-16 [16-16-1-1—16-6-5-2]).

Department of mental health (IC 16-13-1-4).

Mental health planning commission on mental retardation (Acts 1967, c. 371).

Community mental retardation & other developmental disabilities centers (IC 16-16 [16-16-1-1—16-16-5-2]).

Division of mental retardation & other developmental disabilities (IC 16-13-1-14.1).

Muscatatuck State Hospital & Training Center (IC 16-13-1-9; IC 16-15-4-1 [repealed] and IC 16-15-3-1).

New Castle State Hospital (IC 16-13-1-10 [repealed]; IC 16-14-21-1 [repealed] and IC 16-14-22-1].

Northern Indiana State Hospital & Developmental Disabilities Center (IC 16-13-1-10 [repealed]; IC 16-13-4-1 [repealed] and IC 16-13-4.5-1).

Richmond State Hospital (IC 16-13-1-9 and IC 16-14-23-1.). [IC 4-26-3-21, as added by Acts 1978, P.L. 22, § 1, p. 747]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

The bracketed reference following addiction services advisory committee was inserted by the compiler as 16-13-6.1-10 was repealed by Acts 1978, P.L. 21, § 19 and replaced by 16-13-1-5.5.

Section 16-14-20-1 concerning a name change of Beatty Memorial Hospital was repealed by § 19 of Acts 1978, P.L. 21.

IC 16-13-11 and 16-13-1-12, referred to above as pertaining to the division of child mental health advisory board, were repealed by Acts 1972, P.L. 13, § 36 and by Acts 1978, P.L. 21, § 19. For present law concerning the establishment of advisory boards, see 16-13-1-5.5.

The bracketed reference following controlled substances advisory commission" inserted by the compiler as 35-24.1-2-1, was repealed by § 24, Acts 1976, P.L. 148, and replaced by 35-48-2-1.

The bracketed reference following Fort Wayne State Hospital & Training Center was inserted by the compiler as that seemed to be the reference intended.

Section 16-15-5-1 concerning the Fort Wayne State Hospital and Training Center referred to in this section was repealed by Acts 1978, P.L. 21, § 19.

Section 16-15-4-1 concerning the Muscatatuck State Hospital and Training Center referred to in this section was repealed by Acts 1978, P.L. 21 § 19.

Section 16-14-21-1 concerning the New Castle State Hospital referred to in this section was repealed by Acts 1978, P.L. 21, § 19.

Section 16-13-4-1 referred to in this section in connection with the Northern Indiana State Hospital and Developmental Disabilities Center was repealed by § 19 of Acts 1978, P.L. 21.

IC 16-13-1-10, referred to in the references to New Castle State Hospital and Northern Indiana State Hospital & Developmental Disabilities Center, was repealed by Acts 1978, P.L. 21, § 19.

4-26-3-22. Enumeration of agencies abolished June 30, 1985—Labor matters.—The following agencies and agency programs, with labor matters as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1985, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1985, are retired, and (2) they are subject to evaluation under this chapter:

Employment security advisory council (IC 22-4-23-3).

Employment security board (IC 22-4-18-1).

Employment security division (IC 22-4-18-1).

Employment security review board (IC 22-4-17-5).

Bureau of child labor (IC 22-1-1-4).

Department of labor (IC 22-1-1-1).

Division of labor (IC 22-1-1-1). [IC 4-26-3-22, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

4-26-3-23. Enumeration of agencies abolished June 30, 1986—Taxation or finance—Evaluation of nonterminated agencies.—(a) The following agencies and agency programs, with taxation or finance as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1986, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1986, are retired, and (2) they are subject to evaluation under this chapter:

State board of accounts (IC 5-11-1-1).
Office of state actuary (IC 4-12-3-1).
Budget agency (IC 4-12-1-3).
Budget committee (IC 4-12-1-3).
Common school fund building commission (IC 21-1-4-2).
Board for depositories (IC 5-12-1-21).
State board of finance (IC 4-9-1-1).
Governor's federal project fund (IC 4-3-9-7).
Land sale commission (IC 4-18-1-4).
Property tax replacement fund board (IC 6-1.1-21-10).
Revenue board (IC 6-8-3-3).
School property tax control board (IC 6-1.1-19-4).
Commission on state tax and financing policy (IC 2-5-3-2).
Tax commissioners' advisory council (IC 6-1.1-32-1).
State board of tax commissioners (IC 6-1.1-30-1).
Local government tax control board (IC 6-3.5-1-12).

(b) The following agencies and agency programs, with taxation or finance as their major function, are not abolished and do not terminate. However, they are subject to evaluation under this chapter. This evaluation shall proceed as if these agencies and agency programs were to terminate effective June 30, 1986.

Auditor of state (Indiana Constitution, Article 6, Section 1).
Department of state revenue (IC 6-8-3-2).
Treasurer of state (Indiana Constitution, Article 6, Section 1). [IC 4-26-3-23, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

The common school fund building commission is already obsolete because of the 1973 amendment to 21-1-4-2, which transferred authority to the commission on general education.

4-26-3-24. Enumeration of agencies abolished June 30, 1986—Higher education matters—Evaluation of nonterminated agencies.—(a) The following agencies and agency programs, with higher education matters as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1986, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1986, are retired, and (2) they are subject to evaluation under this chapter [4-26-3-1—4-26-3-30]:

Anatomical board (IC 4-23-1-1).
Ball State University (IC 20-12-57-2).
Education council (IC 20-11-1-2).
Higher education council (IC 20-12-0.5-12).
Educational opportunity commission (IC 20-12-21.5-3).
Commission for higher education of the state of Indiana (IC 20-12-0.5-2).
Higher education telecommunications system coordinating unit & advisory council (IC 20-12-12-3).
Indiana State University (IC 20-12-56-1 and IC 20-12-56-7).
Indiana University (IC 20-12-23-1 and Acts 1828, c. 82, s. 1).
Indiana University-Purdue University, Calumet Region campus advisory board (IC 20-12-16-1).

Indiana Vocational Technical College (IC 20-12-61-2 and 21-12-61-3 [20-12-61-3]).

Medical education board (IC 20-12-30-2).

Commission for postsecondary proprietary education (IC 20-1-19-2).

Purdue University (IC 20-12-36 [20-12-36-1—20-12-36-6]).

Student assistance advisory board (IC 20-12-21-4).

Student assistance commission (IC 20-12-21-4).

Vincennes University (Acts 1807, c. 67).

State advisory council on vocational education (IC 20-1-18.1-7).

Board of vocational and technical education (IC 20-1-18.1 [20-1-18.1-1—20-1-18.1-7]).

(b) The following agencies and agency programs, with higher education matters as their major function, are not abolished and do not terminate. However, they are subject to evaluation under this chapter. This evaluation shall proceed as if these agencies and agency programs were to terminate effective June 30, 1986.

Ball State University board of trustees (IC 20-12-57-1).

Indiana State University board of trustees (IC 20-12-56-2).

The trustees of Indiana University (IC 20-12-23-2).

The trustees of Indiana Vocational Technical College (IC 20-12-61-4 and IC 20-12-61-5).

Indiana Vocational Technical College Regional boards of trustees (IC 20-12-61-10).

The trustees of Purdue University (IC 20-12-36-4 and IC 20-12-37-1).

Board of trustees of Vincennes University (Acts 1807, c. 67). [IC 4-26-3-24, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act. However, the bracketed reference following Indian Vocational Technical College was inserted by the compiler as that seemed to be the reference intended.

4-26-3-25. Enumeration of agencies abolished June 30, 1987—Business regulation.—The following agencies and agency programs, with business regulation as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1987, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1987, are retired, and (2) they are subject to evaluation under this chapter:

Administrative building council (IC 22-11-1-3).

Alcoholic beverage commission (IC 7.1-2-1-1).

Boiler and pressure vessel board (rules and appeals board) (IC 22-11-7-15).

Bureau of boiler inspection (IC 22-1-4).

State chemist (IC 15-3-3-2).

Division of consumer protection (IC 4-6-9-1).

Corporation survey commission (HCR Acts 1927, c. 266 and HCR Acts 1929, c. 236).

Creamery examining board (IC 15-6-21).

Egg board (IC 16-6-1-1).

Elevator safety board (IC 22-11-9.5-6).

Bureau of elevator safety (IC 22-11-9.5-5).

Bureau of factory inspection (IC 22-1-1-4).

Department of financial institutions (IC 28-1-2-1).
Industrial board (IC 22-1-1-1).
Department of insurance (IC 27-1-1-1).
Insurance guaranty association (IC 27-6-8-5).
Residual malpractice insurance authority (IC 16-9.5-8-2).
Medical malpractice study commission (Acts 1975, P.L. 146, § 2).
Medical review panel (IC 16-9.5-9-1).
Bureau of mines and mining (IC 22-1-1-4 and IC 22-10-1-2).
Occupational safety standards commission (IC 22-8-1.1-7).
Pipeline safety division (IC 8-1-22.5-2).
Public counselor (IC 8-1-1-4).
Public service commission (IC 8-1-1-2).
Safety education & training bureau (IC 22-8-1.1-40).
Board of safety review (IC 22-8-1.1-30.1). [IC 4-26-3-25, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

4-26-3-26. Enumeration of agencies abolish June 30, 1987—Health matters.—The following agencies and agency programs, with health matters as their major function, are (1) abolish and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1987, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1987, are retired, and (2) they are subject to evaluation under this chapter.
Air pollution control board (IC 13-1-1-3).
Bedding advisory board (IC 16-9-4-3).
Hospital for chest diseases (IC 16-11-11-1).
Hospital for chest diseases advisory board (IC 16-7-3-7).
Environmental management board (IC 13-7-2-1).
Commission on forensic sciences (IC 4-23-6-1).
Commission for the handicapped (IC 16-7-1-3).
Health facilities council (IC 16-10-2-4).
State board of health (IC 16-1-2-1).
Hemophilia advisory committee (IC 16-1-14.5-3).
Hospital and ambulatory outpatient surgical center licensing and regulating council (IC 16-10-1-1 and IC 16-1-1-3) [16-10-1-3].
State laboratory of hygiene (IC 16-9-3-1).
Mobile home advisory board (IC 13-1-7-5) [16-9-2B-5].
Ohio River Valley water sanitation commission (IC 13-5-5-1).
Ohio Valley interstate commission (IC 13-5-6-1).
Pesticide review board (IC 15-3-3.5-12).
Radiation control advisory commission (IC 13-1-2-4).
Renal disease advisory committee (IC 16-2-4-3).
Sickle cell anemia advisory committee (IC 16-2-5-3).
Administrative unit for special institutions (IC 16-7-3-3).
Stream pollution control board (IC 13-1-3-1).
Department of toxicology (IC 20-12-34-1).
Regional water, solid waste and/or sewage district (IC 19-3-1.1-1 and IC 19-3-1.1-5). [IC 4-26-3-26, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

The bracketed reference following "licensing and regulating council" was inserted by the compiler as that seemed the reference intended.

The bracketed reference following "mobile home advisory board" was inserted by the compiler as that is the location in Burns' Code.

4-26-3-27. Enumeration of agencies abolished June 30, 1987—Resources, recreation or the arts.—The following agencies and agency programs, with matters of resources, recreation or the arts as their major function, are (1) abolished and all powers, duties, and functions adhering to them terminate effective whichever is latest, June 30, 1987, or the date when all bonds or other evidences of indebtedness (including lease purchase agreements) outstanding on June 30, 1987, are retired, and (2) they are subject to evaluation under this chapter:

Arts commission (IC 4-23-2-1).

Commission for arts & humanities in education (IC 4-23-12-1).

Falls of the Ohio interstate park commission (IC 14-6-24-2).

Great Lakes commission (IC 13-5-3-1).

Great Lakes river basin commission (IC 13-5-4-1).

Historical bureau (IC 4-23-7-3).

Historical bureau advisory committee (IC 4-23-7-15).

Junior historical society.

Kankakee River basin commission (IC 18-7-23-2).

Bureau of land, forest & wildlife resources (IC 14-3-3-5 and IC 14-3-3-6).

Bureau of land, forest & wildlife resources advisory council (IC 14-3-3-10).

State library (IC 4-23-7-3 and IC 4-23-7-6).

Library certification board (IC 20-13-8-1).

Library & historical board (IC 4-23-7-2).

Library & historical building expansion commission (IC 4-13-12.5-1).

Library & historical department (IC 4-23-7-1).

Little Calumet River basin commission (IC 18-7-19-1).

Meridian Street preservation commission (IC 18-4-24-3).

Interstate mining compact (IC 14-4-2.2-1).

Natural resources commission (IC 14-3-3-3).

Natural resources advisory committee (IC 2-5-5-1).

Department of natural resources (IC 14-3-3-2).

New Harmony commission (IC 14-6-14.1-2).

Interstate oil & gas compact commission (IC 13-5-2-1).

Recreational development commission (IC 14-3-12-4).

Reservoir coordinating committee (IC 13-2-10-2).

State soil & water conservation committee (IC 13-3-1-4).

Solid waste management study commission (Acts 1975, P.L. 350).

Wabash Valley interstate commission (IC 13-5-1-1 [repealed]).

War memorials commission (IC 10-7-2-1).

Bureau of water & mineral resources advisory council (IC 14-3-3-10).

Bureau of water & mineral resources (IC 14-3-3-5 and IC 14-3-3-6).

Water rights & water management study committee (IC 2-5-4-1).

Wendell L. Willkie memorial commission (IC 14-6-26-1).

William Henry Harrison trail commission (IC 14-6-8-1). [IC 4-26-3-27, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. The references appearing in parentheses following agency or program designations so appeared in the act.

Acts 1978, P.L. 22, § 1, provided no IC reference for Junior historical society, and there appears to be none.

Section 13-5-1-1 creating the Wabash Valley interstate commission referred to in this section was repealed by § 2 of Acts 1978, P.L. 77, effective July 1, 1978.

4-26-3-28. Preservation of rights of citizens.—The termination of any agency or agency program after evaluation under this chapter [4-26-3-1—4-26-3-30] shall not cause the dismissal of any claim or right of a citizen against the state which is subject to administrative hearing or litigation. [IC 4-26-3-28, as added by Acts 1978, P.L. 22, § 1, p. 747.]

4-26-3-29. Constitutional powers, duties and functions excepted.—Nothing in this chapter [4-26-3-1—4-26-3-30] shall be construed to abrogate any powers, duties, or functions, of any agency or agency program established by the constitition of the state of Indiana. [IC 4-26-3-29, as added by Acts 1978, P.L. 22, § 1, p. 747.]

4-26-3-30. Termination of evaluation program.—During the year 1983, a committee of the general assembly shall review the need to continue to employ staff to administer this chapter [4-26-3-1—4-26-3-30], and shall submit its recommendation to the general assembly before December 31, 1983. The staff positions established to administer this chapter are abolished and all powers, duties, and functions adhering to these positions are terminated effective December 31, 1984. [IC 4-26-3-30, as added by Acts 1978, P.L. 22, § 1, p. 747.]

Compiler's Notes. Section 2 of Acts 1978, P.L. 22 read: "There is hereby appropriated three hundred thousand seven hundred and seventy-five dollars for the 1978-1979 fiscal year from the state general fund to the legislative council for the purposes of this act."

KANSAS

KANSAS SUNSET LAW

Kan. Stat. Ann. § 74-7201 et seq. (1980 main volume)

Article 72.—Kansas Sunset Law

Cross References to Related Sections:

Legislative division of post audit, see ch. 46, art. 11.

74-7201. Citation of act; expiration date. (a) The provisions of K.S.A. 74-7201 to 74-7240, inclusive, and all acts amendatory thereof or supplemental thereto, shall be known and may be cited as the "Kansas sunset law."

(b) The provisions of the Kansas sunset law shall expire on July 1, 1981.

History: L. 1978, ch. 308, §1; July 1.

74-7292. Athletic commission abolished. Except as provided in K.S.A. 74-7237, the athletic commission of the state of Kansas appointed pursuant to K.S.A. 1978 Supp. 74-2901, shall be and is hereby abolished on July 1, 1979.

History: L. 1978, ch. 308, §2; July 1.

74-7203.

History: L. 1978, ch. 308, §3; Repealed, L. 1979, ch. 281, §12; April 13.

Revisor's Note:

Mobile home and recreational vehicle commission abolished by L. 1979, ch. 281, §6.

74-7204. Abstracters' board of examiners abolished. Except as provided in K.S.A. 74-7237, the abstracters' board of examiners created by K.S.A. 74-3901, shall be and is hereby abolished on July 1, 1985.

History: L. 1978, ch. 308, §4; L. 1979, ch. 258, §1; July 1.

74-7205. Board of social work examiners abolished. Except as provided in K.S.A. 74-7237, the board of social work examiners created by K.S.A. 1978 Supp. 75-5349, shall be and is hereby abolished on July 1, 1979.

History: L. 1978, ch. 308, §5; July 1.

74-7206. Hearing aids examiners board abolished. Except as provided in K.S.A. 74-7237, the Kansas board of examiners in fitting and dispensing of hearing aids established by K.S.A. 74-5801, shall be and is hereby abolished on July 1, 1985.

History: L. 1978, ch. 308, §6; L. 1979, ch. 259, §1; July 1.

74-7207. Board of examiners of psychologists abolished. Except as provided in K.S.A. 74-7237, the state board of examiners of psychologists created by K.S.A. 1978 Supp. 74-5303, shall be and is hereby abolished on July 1, 1979.

History: L. 1978, ch. 308, §7; July 1.

74-7208. Same; state bank commissioner's office abolished. Except as provided in K.S.A. 74-7237, the office of the state bank commission created by K.S.A. 1980 Supp. 75-1304, shall be and is hereby abolished on July 1, 1986.

History: L. 1978, ch. 308, §8; L. 1980, ch. 246, §1; July 1.

74-7209. State banking board abolished. Except as provided in K.S.A. 74-7237, the state banking board created by K.S.A. 74-3004, shall be and is hereby abolished on July 1, 1980.

History: L. 1978, ch. 308, §9; July 1.

74-7210. Savings and loan commissioner's office abolished. Except as provided in K.S.A. 74-7237, the office of savings and loan commissioner created by K.S.A. 74-3104, shall be and is hereby abolished on July 1, 1986.

History: L. 1978, ch. 308, §10; 1980, ch. 247, §2; July 1.

74-7211. Savings and loan department abolished. Except as provided in K.S.A. 74-7237, the savings and loan department created by K.S.A. 74-3104, shall be and is hereby abolished on July 1, 1980.

History: L. 1978, ch. 308. 308, §11, July 1.

74-7212. Savings and loan board abolished. Except as provided in K.S.A. 74-7237, the savings and loan board created by K.S.A. 74-3113, shall be and is hereby abolished on July 1, 1986.

History. L. 1978, ch. 308, §12; L. 1980, ch. 248, §1; July 1.

74-7213. Office of administrator of department of credit unions abolished. Except as provided in K.S.A. 74-7237, the office of the administrator of the state department of credit unions created by K.S.A. 1980 Supp. 17-2233, shall be and is hereby abolished on July 1, 1986.

History: L. 1978, ch. 308, §13; L. 1980, ch. 249, §1; July 1.

74-7214. Department of credit unions abolished. Except as provided in K.S.A. 74-7237, the state department of credit unions established by K.S.A. 1978 Supp. 17-2234, shall be and is hereby abolished on July 1, 1980.

History: L. 1978, ch. 308, §14; July 1.

74-7215. Credit union council abolished. Except as provided in K.S.A. 74-7237, the credit union council appointed pursuant to K.S.A. 1980 Supp. 17-2232 shall be and is hereby abolished on July 1, 1986.

History: L. 1978, ch. 308, §15; L. 1980, ch. 250, §2; July 1.

74-7216. Consumer credit commissioner's office abolished. Except as provided in K.S.A. 74-7237, the office of consumer credit commissioner created by K.S.A. 1980 Supp. 16-403, shall be and is hereby abolished on July 1, 1986.

History: L. 1978, ch. 308, §16; L. 1980, ch. 251, §1; July 1.

74-7217. Council of advisors on consumer credit abolished. Except as provided in K.S.A. 74-7237, the council of advisors on consumer credit created by K.S.A. 1978 Supp. 16a-6301, shall be and is hereby abolished on July 1, 1980.

History: L. 1978, ch. 308, §17; July 1.

74-7218. Commission on civil rights abolished. Except as provided in K.S.A. 74-7237, the commission on civil rights created by K.S.A. 1978 Supp. 44-1003, shall be and is hereby abolished on July 1, 1981.

History: L. 1978, ch. 308, §18; July 1.

74-7219. Board of barber examiners abolished. Except as provided in K.S.A. 74-7237, the board of barber examiners created by K.S.A. 74-1805, shall be and is hereby abolished on July 1, 1981.

History: L. 1978, ch. 308, §19; July 1.

74-7220. Board of cosmetology abolished. Except as provided in K.S.A. 74-7237, the Kansas state board of cosmetology created by K.S.A. 74-2701, shall be and is hereby abolished on July 1, 1981.

History: L. 1978, ch. 308, §20; July 1.

74-7221. Board of embalming abolished. Except as provided in K.S.A. 74-7237, the state board of embalming established and created by K.S.A. 74-1701, shall be and is hereby abolished on July 1, 1981.

History: L. 1978, ch. 308, §21; July 1.

74-7222. Real estate commission abolished. Except as provided in K.S.A. 74-7237, the Kansas real estate commision created by K.S.A. 74-4201, shall be and is hereby abolished on July 1, 1981.

History: L. 1978, ch. 308, §22; July 1.

74-7223. Board of technical professions abolished. Except as provided in K.S.A. 74-7237, the state board of technical professions appointed pursuant to K.S.A. 74-7004, shall be and is hereby abolished on July 1, 1981.

History: L. 1978, ch. 308, §23; July 1.

74-7224. Board of accountancy abolished. Except as provided in K.S.A. 74-7237, the board of accountancy created by K.S.A. 1978 Supp. 1-201, shall be and is hereby abolished on July 1, 1981.

History: L. 1978, ch. 308, §24; July 1.

74-7225. Advisory council to board of accountancy abolished. Except as provided in K.S.A. 74-7237, the advisory council to the board of accountancy created by K.S.A. 1978 Supp. 1-201, shall be and is hereby abolished on July 1, 1981.

History: L. 1978, ch. 308, § 25, July 1.

74-7226. State corporation commission abolished. Except as provided in K.S.A. 74-7237, the state corporation commission created by K.S.A. 74-601, shall be and is hereby abolished on July 1, 1982.

History: L. 1978, ch. 308, § 26, July 1.

74-7227. Securities commissioner's office abolished. Except as provided in K.S.A. 74-7237, the office of securities commissioner of Kansas created by K.S.A. 1978 Supp. 17-1270, shall be and is hereby abolished on July 1, 1982.

History: L. 1978, ch. 308, § 27, July 1.

74-7228. Kansas dental board abolished. Except as provided in K.S.A. 74-7237, the Kansas dental board created by K.S.A. 74-1404, shall be and is hereby abolished on July 1, 1983.

History: L. 1978, ch. 308, § 28, July 1.

74-7229. Board of healing arts abolished. Except as provided in K.S.A. 74-7237, the state board of healing arts appointed pursuant to K.S.A. 65-2812, shall be and is hereby abolished on July 1, 1983.

History: L. 1978, ch. 308, § 29, July 1.

74-7230. Board of nursing abolished. Except as provided in K.S.A. 74-7237, the board of nursing appointed pursuant to K.S.A. 74-1106, shall be and is hereby abolished on July 1, 1983.

History: L. 1978, ch. 308, § 30, July 1.

74-7231. Examining committee of physical therapy abolished. Except as provided in K.S.A. 74-7237, the state examining committee for physical therapy created by K.S.A. 65-2903, shall be and is hereby abolished on July 1, 1983.

History: L. 1978, ch. 308, § 31, July 1.

74-7232. Board of examiners in optometry abolished. Except as provided in K.S.A. 74-7237, the board of examiners in optometry appointed pursuant to K.S.A. 74-1501, shall be and is hereby abolished on July 1, 1983.

History: L. 1978, ch. 308, § 32, July 1.

74-7233. Board of pharmacy abolished. Except as provided in K.S.A. 74-7237, the state board of pharmacy created by K.S.A. 74-1603, shall be and is hereby abolished on July 1, 1983.

History: L. 1978, ch. 308, § 33, July 1.

74-7234. Board of veterinary medical examiners abolished. Except as provided in K.S.A. 74-7237, the state board of veterinary medical examiners appointed pursuant to K.S.A. 1978 Supp. 47-818, shall be and is hereby abolished on July 1, 1983.

History: L. 1978, ch. 308, § 34, July 1.

74-7235. Insurance commissioner's office abolished. Except as provided in K.S.A. 74-7237, the office of commissioner of insurance created by K.S.A. 1978 Supp. 40-102, shall be and is hereby abolished on July 1, 1984.

History: L. 1978, ch. 308, § 35, July 1.

74-7236. Insurance department abolished. Except as provided in K.S.A. 74-7237, the insurance department established by K.S.A. 1978 Supp. 40-102, shall be and is hereby abolished on July 1, 1984.

History: L. 1978, ch. 308, § 36, July 1.

74-7237. Conclusion of affairs of abolished agencies; procedures for continuance and reestablishment of state agencies, period of time. (a) For the purposes of concluding its affairs, each state agency or office abolished under the Kansas sunset law shall continue in existence until the July 1 next succeeding the date of abolition of such state agency or office. During this period of time and notwithstanding the abolition of the state agency or office under the Kansas sunset law, each such state agency and each person holding such state office, or his or her successor, shall exercise all of the powers, duties and functions of such state agency or office. Upon the expiration of this period on the next succeeding July 1, each such state agency and each person holding such state office or his or her successor, shall cease all activities and shall have no further authority to act unless such state agency or office is continued or reestablished in accordance with subsection (b). No state agency or office abolished and not continued or reestablished, shall have less than the period of time provided for in this subsection to conclude its affairs.

(b) Any state agency or office subject to abolition under the Kansas sunset law may be continued in existence or reestablished by act of the legislature, but no such continuance or reestablishment shall be for a period of time in excess of six (6) years. Only one state agency or office shall be continued in existence or reestablished in any one act of the legislature and the name of such state agency or office shall be included in the title of such act. No new state agency or office which has the same or substantially the same jurisdiction as any state agency or office subject to abolition under the Kansas sunset law shall be created, established or organized by act of the legislature or executive reorganziation order, to exist for a period of time in excess of six (6) years. Each such state agency or office continued or reestablished and each such new state agency or office created, established or organized, shall be subject to abolition under the Kansas sunset law.

History: L. 1978, ch. 308, § 37, July 1.

74-7238. Performance audits by legislative post auditor of agencies to be abolished; final report date, review, approval and distribution. The legislative post audit committee shall direct the post auditor to conduct a performance audit of each state agency and office which is subject to abolition under the Kansas sunset law. The performance audit shall be completed nine (9) months before the date of abolition of such state agency or office. In conducting each such performance audit, the post auditor shall include a determination of the factors specified in subsection (b) of K.S.A. 74-7239 and of such other factors as may be directed to be included by the legislative post audit committee, including the factors specified in K.S.A. 1978 Supp. 46-1108, and any amendments thereto. Upon completion of the performance audit, the legislative post audit committee shall review and approve a final report thereon. A copy of the final report of each performance audit conducted pursuant to this section shall be made available to each member of the legislature in accordance with the provisions of K.S.A. 1978 Supp. 46-1212c.

History: L. 1978, ch. 308, § 38, July 1.

74-7239. Public hearings on abolition, continuation and reestablishment of state agencies; burden of demonstrating need; factors to be considered. (a) Prior to the abolition of a state agency or office under the Kansas sunset law or to the continuation or reestablishment of such state agency or office, a committee of reference in each house of the legislature shall hold a public hearing on such abolition, continuation or reestablishment Each such committee shall receive testimony from the public, the state agency or officer involved and other appropriate state officers. In all such hearings, the state agency or officer involved shall have the burden of demonstrating a public need for continued existence and the necessity for and extent of any changes in the state agency or office or in its enabling statutes which would increase the efficiency or effectiveness of the administration or operation of the state agency or office.

(b) In such public hearings, the committee of reference shall take into consideration the following factors, among others, in developing its recommendations and determining whether the state agency or office involved has demonstrated a public need for continued existence of the state agency or office:

(1) Whether the absence of regulation by the state agency or office would significantly harm or endanger the public health, safety or welfare;

(2) whether there is a reasonable relationship between the exercise of the police power of the state by the state agency or office and the protection of the public health, safety or welfare;

(3) whether there is another less restrictive method of regulation available which could adequately protect the public;

(4) whether the regulation by the state agency or office has the effect of directly or indirectly increasing the cost of any goods or services involved, and, if so, to what degree;

(5) whether the increase in cost is more harmful to the public than the harm which could result from the absence of regulation by the state agency or office; and

(6) whether all facets of the regulatory process are designed solely for the purpose of the protection of the public and have such protection as a primary effect.

History: L. 1978, ch. 308, § 39, July 1.

74-7240. Rights of and claims against abolished agencies transferred to governor; rights preserved in legal proceedings; inherent legislative power reserved; personnel transfers; disposition of property and records. (a) No provision of the Kansas sunset law shall affect any vested right or result in the dismissal of any lawful claim or right of any person against any state agency or office abolished under the Kansas sunset law or of any lawful claim or right of any such state agency or office which is the subject of litigation. All such claims and rights shall be imposed upon and assumed by the governor and are hereby transferred to and devolved upon the governor. As used in this subsection, "person" shall include any individual, partnership, association, or corporation.

(b) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or office abolished under the Kansas sunset law or by or against any officer of such state agency or office in relation to the discharge of duties imposed by law, shall abate by reason of the abolition of such state agency or office under the Kansas sunset law. The court may allow any such suit, action or other proceeding to be maintained by or against the governor as the chief executive officer of the state.

(c) No criminal action commenced or which could have been commenced by the state shall abate by the abolition of a state agency or office under the Kansas sunset law.

(d) No provision of the Kansas sunset law shall affect the inherent power of the legislature to enact legislation concerning any state agency or office subject to abolition under said law.

(e) All transfers of personnel and any abolition of personnel positions under the Kansas civil service act resulting from the abolition of any state agency or office under the Kansas sunset law, shall be in accordance with the provisions of the Kansas civil service act and any rules and regulations adopted thereunder.

(f) Upon the conclusion of the affairs of an abolished state agency or office in accordance with K.S.A. 74-7237, the title to all property held by such the state agency or office shall be and is hereby transferred to and devolved upon the governor and such property shall be disposed of as directed by the governor. The records of such state agency or office shall be transferred to the secretary of state and shall be kept and maintained in the office of the secretary of state for a period of time of not less than six (6) years. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the abolition of any state agency or office under the Kansas sunset law, shall be determined by the governor and the reconciliation of such conflict pursuant to this section shall be final.

History: L. 1978, ch. 308, § 40; July 1.

74-7241. Department and office of secretary of social and rehabilitation services abolished. Except as provided in K.S.A. 74-7237, the office of secretary of social and rehabilitation services and the department of social and rehabilitation services, created by K.S.A. 1978 Supp. 75-5301 and amendments thereto, shall be and are hereby abolished on July 1, 1982.

History: L. 1978, ch. 308, § 73; July 1.

74-7242. Department and office of health and environment abolished. Except as provided in K.S.A. 74-7237, the office of secretary of health and environment and the department of health and environment, created by K.S.A. 1980 Supp. 75-5601 and amendments thereto, shall be and are hereby abolished on July 1, 1986.

History: L. 1978, ch. 308, § 75; L. 1980, ch. 252, § 1; July 1.

74-7243. Behavioral sciences regulatory board abolished. Except as provided in K.S.A. 74-7237, the behavioral sciences regulatory board created by K.S.A. 74-7501 shall be and is hereby abolished on July 1, 1986.

History: L. 1980, ch. 242, § 9; July 1.

74-7244. Children and youth advisory committee abolished. (a) Except as provided in K.S.A. 74-7237, the children and youth advisory committee established by K.S.A. 1980 Supp. 38-1401 shall be and is hereby abolished on July 1, 1986.

(b) The provisions of this section shall be a part of and supplemental to the Kansas sunset law.

History: L. 1980, ch. 289, § 5; July 1.

LOUISIANA

TERMINATION OF AGENCIES

La. Rev. Stat. Ann. § 24:711 (1980 Cum. Ann. Pocket Part)

PART IV. TERMINATION OF AGENCIES

Acts 1978, No. 357, § 1 enacts Parts I, II, III, and V of Chapter 11, Title 24 of the Louisiana Revised Statutes. Pursuant to R.S. 24:253, Part V has been redesignated as Part IV.

§ 711. Implementation of sunset law

The joint committee shall be responsible for coordinating and assisting in the work of the standing committees in the implementation of Act No. 277 of the 1976 Regular Session[1] and all subsequent statutory provisions relative to the termination of statutory entitles as provided in said Act. The purpose of the joint committee under this Part shall be to assure effective compliance with the purposes and intent of said Act and any such subsequent legislation. The joint committee may make recommendations to the standing committees for particular areas of study under the provisions of said Act which come to its attention as a result of its other functions provided in this Chapter.

Added by Acts 1978, No. 357, § 1.

---

[1] R.S. 49:190 et seq.

LOUISIANA

TERMINATION AND RE-CREATION OF STATUTORY ENTITIES

La. Rev. Stat. Ann. § 49:19 (1980 Cum. Ann. Pocket Part)

PART XII. TERMINATION AND RE-CREATION OF STATUTORY ENTITIES [NEW]

Acts 1978, No. 674, § 1 amended Acts 1976. No. 277, §§ 1 and 2, subsects. A, B, C, D, F, G, and H of § 4, and § 5. Pursuant to authority of R.S 24:253, the provisions of Acts 1978, No. 674, § 1 have been designated as R.S. 49:190, 191, subsecs. A, B, C, D, F, G, and H of 193, and 194, respectively.

On authority of R.S. 24:253, Acts 1976, No. 277 has been designated Part XII of Chapter I of Title 49 comprising R.S. 49:190 through 49:199.

§ 190. Definitions

For the purposes of this Part:

(1) The term "statutory entity" means any "agency," "department," or "office" as defined in R.S. 36.3, but "statutory entity" shall not include any agency transferred or placed in a department of the executive branch in accordance with the provisions of R.S. 36:803.

(2) The term "applicable termination date" means the date provided for termination of legislative authority for the existence of a particular entity, as provided in Section 191 of this Part.

(3) The term "zero-base budget review and evaluation" means with respect to a statutory entity, a comprehensive evaluation to determine if the merits of the activities of the entity support its continuation and a recommended budget level for the entity, based upon a justification by that entity of its budget from a zero-base.

(4) The term "activity" means any task performed by any employee or contractor of the state, or by any group of employees or contractors.

(5) The term "program" means any group of activities which are directed toward or tend to produce an identifiable outcome.

Added by Acts 1976, No. 277, § 1, Amended by Acts 1978, No. 674, § 1.

1978 Re-creations: The following acts of the 1978 Regular Session re-created statutory entities pursuant to this Part: Acts 1978, Nos. 80, 81, 82, 85, 86, 87, 88, 89, 126, 127, 128, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 288, 289, 471, 472, 473, 474, 475, 476, 477, 701, 738, 739.

1979 Re-creations: The following acts of the 1979 Regular Session re-created statutory entities pursuant to this Part: Acts 1979, Nos. 250, 340, 342, 380, 638.

1978 Amendment: Rewrote par. (1), which had previously read: "The term 'statutory entity' means any office, department, agency, board, commission, Institution, division, officer or other person or functional group created and continued in existence by statute or legislative resolution to which state funds are appropriated"; substituted "Section 191 of this Part" for "R.S. 49:191" in par. (2) and added pars. (4) and (5), defining "activity" and "program."

Title of Act:

An Act to provide for the termination of all statutory entities as herein defined and to provide a procedure for their re-creation after a zero-base budget review and evaluation: to provide that any act creating any statutory entity must contain a termination date for that entity; to provide for claims against and in favor of such terminating entities: to provide that the legislature may legislate otherwise with respect to such entities; and to provide otherwise with respect thereto. Acts 1976, No. 277.

Cross References

Joint committee on legislative oversight, implementation of sunset law, see R.S. 24:672, 24:677, and 24:711.

§ 191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates.

Notwithstanding any termination dates set by Acts of the 1978 and 1979 Regular Sessions of the Louisiana Legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July 1 of each of the following years and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July 1 of the following year, which shall be the termination date:

A. July 1, 1981:

(1) All of the statutory entities made a part of the Department of Revenue and Taxation by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:451(C) and R.S. 36:459.

(2) All of the statutory entities made a part of the Department of Treasury by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:761(C) and R.S. 36:769.

B. July 1, 1982: All of the statutory entities made a part of the Department of Agriculture by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:621(C) and R.S. 36:629.

C. July 1, 1983:

(1) All of the statutory entities made a part of the Department of Wildlife and Fisheries by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:602(C) and R.S. 36:610.

(2) All of the statutory entities made a part of the Department of Culture, Recreation and Tourism by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:201(C) and R.S. 36:209.

(3) All of the statutory entities made a part of the Department of Natural Resources by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:351(C) and R.S. 36:359.

D. July 1, 1984:

(1) All of the statutory entities made a part of the Department of Insurance by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:684 and R.S. 36:685.

(2) All of the statutory entities made a part of the Department of Commerce by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:101(C) and R.S. 36:109.

E. July 1, 1985: All of the statutory entities made a part of the Department of Health and Human Resources by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:251(C) and R.S. 36:259.

F. July 1, 1986:

(1) All of the statutory entities made a part of the Department of Public Safety by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:401(C) and R.S. 36:409.

(2) All of the statutory entities made a part of the Department of Justice by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:705.

(3) All of the statutory entities made a part of the Department of Corrections by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:151(C) and R.S. 36:159.

G. July 1, 1987: All of the statutory entities made a part of the Department of Education by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:642 and R.S. 36:651.

H. July 1, 1988:

(1) All of the statutory entities made a part of the Department of Labor by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:301(C) and R.S. 36:309.

(2) All of the statutory entities made a part of the Department of Urban and Community Affairs by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:551(C) and R.S. 36:559.

(3) All of the statutory entities made a part of the Department of State Civil Service by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:53.

I. July 1, 1989:

(1) All of the statutory entities made a part of the Department of Public Service by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:725.

(2) All of the statutory entities made a part of the Department of Transportation and Development by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:501(C) and R.S. 36:509.

(3) All of the statutory entities made a part of the Department of State by the Executive Reorganization Act, including but not limited to those enumerated in R.S. 36:744.

(4) All of the statutory entities made a part of the Department of Elections and Registration by the Executive Reorganization Act.

Added by Acts 1976, No. 277, § 2. Amended by Acts 1978, No. 674, § 1; Acts 1979, No. 512, § 1.

Acts 1976, No. 277, § 2 C(2) was contingent upon the final enactment of House Bill No. 400. House Bill No. 400 was enacted into law as Acts 1976, No. 513. On authority of R.S. 24:253; Acts 1976, No. 227, § 2 was designated as R.S. 49:191.

1978 Amendment: Rewrote this section, which had previously read: "All legislative authority for the existence of any statutory entity, as defined in Section 1, shall cease as of the date indicated in the following table:

"A. July 1, 1979:

"(1) The Department of Commerce and all of the statutory entities made a part of it by the Executive Reorganization Act of 1975 adopted by the legislature at its 1975 regular session and subsequent ratifications or modifications thereof by the legislature, including but not limited to those enumerated in R.S. 36:209.

"(2) The Department of Urban and Community Affairs and all of the statutory entities made a part of it by the Executive Reorganization Act of 1975 adopted by the legislature at its 1975 regular session and subsequent ratifications or modifications thereof by the legislature, including but not limited to those enumerated in R.S. 36:559.

"(3) The Department of Corrections and all of the statutory entities made a part of it by the Executive Reorganization Act of 1975 adopted by the legislature at its 1975 regular session and subsequent ratifications or modifications thereof by the legislature, including but not limited to those enumerated in R.S. 36:151.

"(4) The Department of Natural Resources and all of the statutory entities made a part of it by the Executive Reorganization Act of 1975 adopted by the legislature at its 1975 regular session and subsequent ratifications or modifications thereof by the legislature, including but not limited to those enumerated in R.S. 36:359.

"(5) All of the statutory entities which are placed under the control and supervision of the Department of State.

"B. July 1, 1980:

"(1) The Department of Labor and all of the statutory entities made a part of it by the Executive Reorganization Act of 1975 adopted by the legislature at its 1975 regular session and subsequent ratifications or modifications thereof by the legislature, including but not limited to those enumerated in R.S. 36:309.

"(2) The Department of Transportation and Development and all of the statutory entities made a part of it by the Executive Reorganization Act of 1975 adopted by the legislature at its 1975 regular session and subsequent ratifications or modifications thereof by the legislature, including but not limited to those enumerated in R.S. 36:509.

"(3) All of the statutory entities which are placed under the control and supervision of the Department of Elections and Registration.

"(4) All of the statutory entities which are placed under the control and supervision of the Department of Justice.

"(5) All of the statutory entities which are placed under the control and supervision of the Department of State Civil Service.

"C. July 1, 1981:

"(1) The Department of Revenue and Taxation and all of the statutory entities made a part of it by the Executive Reorganization Act of 1975 adopted by the legislature at its 1975 regular session and subsequent ratifications or modifications thereof by the legislature, including but not limited to those enumerated in R.S. 36:459.

"(2) The Department of Culture, Recreation, and Tourism and all of the statutory entities made a part of it, in the event that House Bill 400 of the 1976 regular session by Rep. R. J. Laborde is finally enacted in law.

"(3) The Department of Public Protection and all of the statutory entities made a part of it by the Executive Reorganization Act of 1975 adopted by the legislature at its 1975 regular session and subsequent ratifications or modifications thereof by the legislature, including but not limited to those enumerated in R.S. 36:409.

"(4) All of the statutory entities made a part of the Department of Wildlife and Fisheries by the Executive Reorganization Act of 1975 adopted by the legislature at its 1975 regular session and subsequent ratifications or modifications thereof by the legislature, including but not limited to those enumerated in R.S. 36:610.

"(5) All of the statutory entities which are placed under the control and supervision of the Department of Insurance.

"(6) All of the statutory entities which are placed under the control and supervision of the Department of Treasury.

"D. July 1, 1982:

"(1) The Department of Health and Human Resources and all of the statutory entities made a part of it by the Executive Reorganization Act of 1975 adopted by the legislature at its 1975 regular session and subsequent ratifications or modifications thereof by the legislature, including but not limited to those enumerated in R.S. 36:259.

"(2) All of the statutory entities which are placed under the control and supervision of the Department of Agriculture.

"(3) All of the statutory entities which are placed under the control and supervision of the Department of Education.

"(4) All of the statutory entities which are placed under the control and supervision of the Department of Public Service.

"(5) Any other statutory entity, as defined herein, not previously terminated by this Part; except that no statutory entity shall be terminated under the provisions of the Paragraph unless notice of termination has been given to such entity in accordance with the provisions of Subsection A of R.S. 49:193, whether or not the committee(s) undertakes a zero-base budget review of such statutory entity as provided in R.S. 49:193.

"E. The commissioner of administration shall by July 1, 1977, file with the legislature a complete list of all statutory entities which are affected by this Part."

1979 Amendment: Added "phase-out period for statutory entities" in the section heading: rewrote the introductory paragraph, which had read: "All legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of the date indicated in the following table"; changed the dates in subsecs. A to D, respectively from "1979", "1980", "1981", and "1982" to "1981", "1982", "1983", and "1984"; deleted par. D(5), which had read:

"Any other statutory entity, as defined herein except the departments of the executive branch created in the Executive Reorganization Act, not previously terminated by ths Act; except that no statutory entity shall be terminated under the provisions of this Paragraph unless notice of termination has been given to such entity in accordance with the provisions of Subsection A of Section 193 whether or not the committee(s) undertakes a zero-base budget review of such statutory entity as provided on Section 193"; and deleted the prior language of subsec. E, which had read: "The commissioner of administration shall by July 1 in every odd-numbered year, file with the legislature a complete list of all statutory entities which are effected by this Part."

The amendment also divided the remaining prior subject matter of subsecs. A to D among subsecs. A to I (adding the dates in subsecs. E to I) as per the following table:

Former Paragraphs	1979 Amendment
Par. A(1)	Par. D(2)
Par. A(2)	Par. H(2)
Par. A(3)	Par. F(3)
Par. A(4)	Par. C(3)
Par. A(5)	Par. I(3)
Par. B(1)	Par. H(1)
Par. B(2)	Par. I(2)
Par. B(3)	Par. I(4)
Par. B(4)	Par. F(2)
Par. B(5)	Par. H(3)
Par. C(1)	Par. A(1)
Par. C(2)	Par. C(2)
Par. C(3)	Par. F(1)
Par. C(4)	Par. C(1)
Par. C(5)	Par. D(1)
Par. C(6)	Par. A(2)
Par. D(1)	Subsec. E
Par. D(2)	Subsec. B
Par. D(3)	Subsec. G
Par. D(4)	Par. I(1)

§ 192. Re-creation of terminated entity; compliance.

Any statutory entity to be terminated by the provisions of R.S. 49:191 may be re-created only in accordance with the procedure established in R.S. 49:193. Added by Acts 1976, No. 277, § 3.

§ 193. Re-creation of terminated entity; procedure; zero base budget.

The procedure for re-creation of any statutory entity to be terminated under the provisions of this Part shall be as follows:

A. (1) By August 1 of the calendar year two years prior to the calendar year of the applicable termination date, the President of the Senate and the Speaker of the House of Representatives shall assign the applicable statutory entities to standing committees of their respective houses which shall initially perform the evaluation to determine if a statutory entity shall be continued, modified, or terminated. The statutory entities shall be assigned, if practicable, to the standing committees of the two houses which have usual jurisdiction over the affairs of the statutory entities.

(2) The standing committees of the two houses performing the evaluation of the same statutory entities may meet jointly to discharge some or all of their duties.

B. No later than twenty days after the referral of the statutory entities to the appropriate standing committees, the committees shall, separately or jointly, notify the statutory entities under their jursidiction of the termination dates and shall direct the statutory entities to conduct a zero base budget review in accordance with R.S. 39:41 through R.S. 39: 45.1 No later than sixty days after the referral of the statutory entities shall provide the standing committees with the following information:

(1) The identity of all sub-units under the direct or advisory control of the statutory entity under evaluation.

(2) All powers, functions, and duties currently performed by the statutory entity under evaluation.

(3) All constitutional, statutory, or other authority under which said powers, functions, and duties of the statutory entity under evaluation are performed and carried out.

(4) Any powers, functions, or duties which, in the opinion of the statutory entity under evaluation, are being performed and duplicated by another statutory entity of political subdivision within the state, including the manner in which, and the extent to which, the duplication of efforts is occurring and any recommendations as to eliminating the duplication.

(5) Any powers, functions, duties which, in the opinion of the statutory entity under evaluation, are inconsistent with current and projected public needs and which should be terminated or altered.

(6) The identity of any problems or any programs of the entity to which, in the opinion of the entity, the committees should give particular study.

(7) Any other information which a standing committee in its discretion, feels is necessary and proper in performing its review and evaluation duties.

C. The entity shall submit the zero base budget review requested pursuant to Subsection B above to the committees during the same calendar year as requested at the same time it submits such review to the governor under provisions of R.S. 39:45.1.

D. The evaluations by the standing committees shall be made, using the factors set out in Subsection E of this Section, for the purpose of achieving the following:

(1) The elimination of inactive entities.

(2) The elimination or consolidation of entities, programs, activities with duplicate other governmental entities, programs, or activities.

(3) The elimination of unnecessary entities, programs, or activities or entities, programs, or activities which no longer serve the public interest.

(4) The elimination or improvement of inefficient or ineffective entities, programs, or activities.

E. Prior to the regular legislative session in the calendar year prior to the year in which the applicable termination date occurs, the appropriate standing committees, to which the statutory entities have been referred, shall conduct such study and evaluation as shall be necessary to determine whether or not proposed legislation shall be introduced to continue or modify the appropriate statutory entity. The standing committees shall hold public hearings to receive testimony from the appropriate statutory entities and from the public as a part of that study and evaluation. The standing committees shall hold the public hearings in accordance with R.S. 42:4.1 through R.S. 42.10 and any applicable legislative rules. At the hearings, the statutory entity shall have the burden of demonstrating a public need for its continued existence. A standing committee, in making a determination as to whether a statutory entity has demonstrated a public need for its continued existence, shall take into consideration, among others, the following factors:

(1) The extent to which any information required to be furnished to the standing committee has been omitted, misstated, or refused, and the extent to which conclusions reasonably drawn from said information are adverse to the legislative intent inherent in the powers, functions, and duties as established in the enabling legislation creating the statutory entity, or are inconsistent with present or projected public demands or needs.

(2) Based on the zero base budget review submitted and any other factors or information an examination of the extent to which the objectives of the statutory entity under evaluation have been achieved when compared to the objectives initially set forth for the statutory entity and an analysis of any significant variance between projected and actual performance.

(3) The extent to which the statutory entity has operated in the public interest and the extent to which its operations has been impeded or enhanced by existing statutes, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters.

(4) the extent to which the statutory entity has recommended statutory changes to the Legislature which would benefit the public as opposed to the statutory entity itself.

(5) An identification of other statutory entities, or other programs or activities of state or local government having the same or similar objectives, together with a comparison of the cost effectiveness of such statutory entities, programs, or activities and any duplication of the statutory entity under review.

(6) A statement of the objectives of the statutory entity for the coming nine years with the establishment of measurements of performance where practicable.

(7) The extent to which the statutory entity has encouraged participation by the public in making its rules and decisions as opposed to participation solely by its constituency.

(8) The efficiency with which formal public complaints filed with the statutory entity concerning matters subject to its jurisdiction have been processed by the statutory entity.

(9) The extent to which changes are necessary in the enabling laws of the statutory entity to adequately comply with the factors listed in this Section.

(10) The extent to which the statutory entity's operation has been efficient and responsive to the public needs.

(11) The extent to which the statutory entity has encouraged that units regulated or served report to the statutory entity concerning the impact of rules and decisions regarding improved service, economy of service, or availability of service to the public.

(12) The extent to which the statutory entity has permitted qualified applicants to serve the public.

(13) The extent to which requirements of state and federal statutes and constitutions have been complied with by the statutory entity or the units it regulates or the constituency it serves.

(14) Any other relevant criteria which a standing committee, in its discretion, deems necessary and proper in reviewing and evaluating the sufficient public need for continuance of the respective statutory entity.

F. (1) The standing committees shall submit their final evaluation report to the legislature and the governor by April 1 before the ensuing regular legislative session in the year prior to the applicable termination date.

(2) The report of the standing committee shall include a summary of its findings concerning the factors listed in Subsection E above.

(3) The standing committee making the report shall recommend termination, continuation, or modification of the appropriate statutory entity, including any proposals for reorganization, consolidation or transfer of duties, of the statutory entity or program or activity. If the standing committee finds that a statutory entity should terminate as scheduled, then the committee's report shall include proposed legislation, which may be necessary, if any, to conform related laws to the termination of the statutory entity. If the standing committee finds that a statutory entity shall be continued or modified, then the committee's report shall include proposed legislation necessary to accomplish continuation or modification. If the committee finds that changes in particular programs of the entity are needed, the report shall include proposed legislation necessary to accomplish such changes.

(4) The committee report shall also include a statement of the objectives of the entity for the next nine years with the establishment of measures for performance where practicable.

(5) No recommendation of any joint reviewing committee shall be submitted in the report unless the recommendation is approved by the majority of the members of each house serving on the committee.

G. In the regular legislative session in the year prior to the year in which the applicable termination date occurs, a bill authorizing the re-creation of the statutory entity in question may be introduced and shall be referred to the standing committee that performed the initial review and evaluation. Such bill shall contain a termination date for the statutory entity being re-created no more than nine years from its effective termination date. No more than one statutory entity shall be re-created in any bill, but this limitation shall not be construed to prohibit consolidation of two or more statutory entities or parts of statutory entities in any one bill.

H. Unless the Legislature enacts the bill to continue or modify the entity, the entity shall begin to phase out its operation on the date set forth in R.S. 49:191 and the legislative authority for such statutory entity shall cease on the following July 1.

I. If the bill authorizing re-creation of an entity does not become law, the statutes creating and continuing such entity shall be construed as repealed on the applicable termination date fixed in R.S. 49:190 and R.S. 49:191.

J. No funds shall be appropriated or otherwise be made available from any source whatsoever to any entity after the applicable termination date of such statutory entity unless it has been re-created in accordance with the procedure set forth in this Part.

K. If the bill authorizing re-creation of an entity becomes law, the committee shall request, and the entity shall provide, a copy of the zero base budget for the entity prepared and submitted to the governor during the month of December prior to the termination date of the entity. Such budget shall be submitted to the committee at the time it is submitted to the governor. The committee shall review the zero base budget submitted by the entity and shall prepare a recommended budget level for the entity which it shall report to the Legislative Budget Committee, or its successor, prior to deliberations by the Legislative Budget Committee on the proposed budget for the fiscal year beginning on the applicable termination date for the entity.

L. Standing committees making the reviews and evaluation may request the assistance of the Legislative Fiscal Office, the Legislative Council, and the Legislative Auditor to compile pertinent information about the statutory entity under review for use during the evaluation.

Added by Acts 1976, No. 277, § 4. Amended by Acts 1978, No. 674, § 1; Acts 1979, No. 512, § 1.

1978 Amendment: The text of Acts 1978, No. 674, § 1 amended the introductory paragraph and subsecs. A, B, C, D, F, G, and H of § 4 of Acts 1976, No. 277 (R.S. 49:193) as follows:

Added "statutory" in the introductory paragraph of this section; rewrote the introductory paragraph of subsec. A, which had read: "Two years prior to the year in which the applicable germination date occurs, the standing committee or committees having jurisdiction over the matter in accordance with the rules of the House of Representatives and of the Senate or joint committee created for this purpose shall conduct the zero-base budget review and evaluation and recommend an appropriate budget level of the statutory entity to be terminated. The committees shall separately or jointly notify the statutory entity of such termination date and of such budget review at the time, at least two years prior to the termination date, they begin such budget review. This zero-base budget review and evaluation shall have as its objectives"; rewrote par. (2) of subsec. A, which had read: "the elimination of entities which duplicate other entities or other governmental programs and activities, or an appropriate consolidation of them; and"; in par. (3) of subsec. A, deleted "inefficient" before and "or ineffective" after "unnecessary," and added "programs, or activities"; and added par. (4) to subsec. A.

In subsec. B, the amendment rewrote the introductory paragraph, which had read: "Upon completion of the zero-base budget review and evaluation and recommended budget level the reviewing committee shall submit a report of its findings to both houses of the legislature. Such report shall include, but not be limited to"; deleted "and" at the end of par. (2); and added par. (4).

In subsec. C, the amendment substituted "entities" for "entity" before "in question", and substituted "statutory entities of more than one department" for "more than one entity."

In subsec. D, the amendment substituted "a bill providing for re-creation of entities" for "the bill"; substituted "each entity" for "the entity," and substituted, "Subsection A" for "Subsections A and C."

The amendment rewrote subsec. F, which had read: "The reviewing committee shall complete the zero-base budget review and evaluation required by R.S. 49:193 and however it reports the bill, it shall report also a recommended budget level for the entity."

The amendment also substituted "an" for "the" following "re-creation of" in both subsecs. G and H.

1979 Amendment: Rewrote subsecs. A to G, which had read as follows:

"A. By December 1 of the calendar year two years prior to the calendar year of the applicable termination date, the standing committee or committees having jurisdiction over the matter in accordance with the rules of the House of Representatives and of the Senate or the joint committee created for this purpose shall direct the statutory entity to conduct the zero-base budget review and evaluation. The committees shall separately or jointly notify the statutory entity of the termination date and shall include a notice of any additional specific matters which the committees direct the review and evaluation to address. The zero-base budget review and evaluation shall have as its chief objectives:

"(1) The elimination of inactive entities.

"(2) The elimination or consolidation of entities, programs, or activities which duplicate other governmental entities, programs, or activities.

"(3) The elimination of unnecessary entities, programs, or activities.

"(4) The elimination or improvement of inefficient or ineffective entities, programs, or activities.

The zero-base review and evaluation shall be submitted to the committees no later than April 30 of the year prior to the applicable termination date. During the year prior to the year of the applicable termination date, the committee(s) shall conduct such study and evaluation as shall be necessary to determine whether or not proposed legislation shall be introduced to re-create the statutory entities scheduled for termination.

"B. By February 1 of the year of termination, the committees shall have determined the adequacy and accuracy of the zero-base budget review and evaluation and shall submit a report to both houses of the legislature. Such report shall include but not be limited to:

"(1) An identification of other entities, or other programs or activities of the state government having the same or similar objectives, along with a comparison of the cost and effectiveness of such entities, programs, or activities and any duplication of the entity under review.

"(2) An examination of the extent to which the objectives of the entity under review have been achieved when compared to the objectives initially set forth for the entity under review and an analysis of any significant variance between projected and actual performance.

"(3) A statement of the objectives of the entity for the coming four years with the establishment of measurements of performance where feasible.

"(4) Recommendations for legislation to make any changes to implement the committee's findings and recommendations.

"C. In the regular legislative session in the year prior to the year in which the applicable termination date occurs, a bill authorizing the re-creation of the entities in question may be introduced and shall be referred to the same reviewing committee. Such bill shall contain a termination date for each entity which is being re-created, no more than four years from the effective date of its re-creation. No such bill may contain re-creation authority for statutory entities of more than one department.

"D. Upon receipt of a bill providing for re-creation of entities, the reviewing committee may conduct such further hearings to evaluate each entity in question as may be necessary. Hearings by one committee are sufficient to satisfy the requirements of Subsection A of this Section.

"E. In all hearings required by this Part, the entity shall have the burden of proving a public need for its re-creation.

"F. The reviewing committee shall complete its review of the zero-base budget review and evaluation conducted by the entity as directed by the committee as provided by Section 193 hereof for all entities whether they have been re-created or not and shall also report a recommended budget level for the entity in the report required in Subsection B.

"G. If the bill authorizing re-creation of an entity becomes law, it shall be presented to the Legislative Budget Committee, along with the budget level recommended by the reviewing committee, for deliberations by the Legislative Budget Committee on the proposed budget for the fiscal year beginning on the applicable termination date for the entity."

The amendment also redesignated the prior subject matter of subsecs. H and I as subsecs. I and J, respectively; in subsec. I added "and R.S. 49:191"; in subsec. J added "statutory"; and added subsecs. H, K and L.

§ 193.1. Selective review and evaluation for statutory entities.

A. To facilitate an orderly review and evaluation procedure, and to insure thorough study is given to the statutory entities scheduled for termination, the standing committees may conduct a more extensive evaluation of selected statutory entities under its jurisdiction or of particular programs of such entities than that given to the remaining statutory entities scheduled for review and termination.

B. The selection of those statutory entities or programs to receive extensive evaluation shall be made by taking the following factors, among others, into consideration:

(1) The extent to which the statutory entity or program appears to require significant change.

(2) The extent to which the resources of the legislature will allow for such evaluation.

(3) The extent to which substantial time has passed since the statutory entity or program has been in effect and in operation.

(4) The extent to which the statutory entity or program has encountered significant problems in satisfying its statutory mandate.

C. The selection of these statutory entities or programs to receive the extensive evaluation shall be made no later than twenty days following the referral of the statutory entities to the standing committees.

D. The standing committees shall notify the entities or program administrators of programs selected for extensive evaluation at the same time the standing committees comply with R.S. 49:193(B).

E. The standing committees making such extensive evaluation may instruct the Legislative Fiscal Office, the Legislative Council, or the Legislative Auditor to make such performance audits, programmatic evaluations, and other studies as are needed to enable the standing committees to effectively conduct these evaluations.

Added by Acts 1979, No. 512, § 1.

§ 194. Review and evaluation of statutory entities.

A. In addition to the zero base budget review and evaluation of statutory entities scheduled for termination by R.S. 49:193, the standing committees shall direct the respective departments to provide them with a zero base budget review and evaluation, conducted in accordance with R.S. 39:41 through R.S. 39:45.1, of all other programs and activities of the departments whose statutory entities are scheduled for termination, to be submitted at the same time and in the same manner as the zero based budget submitted under the provisions of R.S. 49:193(C) and R.S. 49:193(K). The committees shall also conduct such studies and evaluations and make such recommendations relative to such programs and activities of the department as is provided in R.S. 49:193 for statutory entities.

B. Nothing in this Part shall be construed to prohibit any action at any time by the Legislature or by any state officer pursuant to the provisions of Section 6 of Article XIV of the Constitution or any Act enacted under authority thereof.

Added by Acts 1976, No. 277, § 5. Amended by Acts 1978, No. 674, § 1; Acts 1979, No. 512, § 1.

1978 Amendment: Rewrote this section, which had read: "After the effective date of this Part, neither the House of Representatives nor the Senate may consider for final passage any bill or resolution, or amendment thereto, which creates or re-creates any statutory entity unless the report required by R.S. 49:193 has been submitted to the House of Representatives or the Senate, as the case may be. Nothing in this Part shall be construed to prohibit any action by the legislature or by any state officer pursuant to the provisions of Section 6 of Article XIV of the constitution or any Act enacted under authority thereof."

1979 Amendment: Rewrote subsec. A, which had read: "In addition to the zero-base budget review and evaluation of statutory entities scheduled for termination by Section 193 of this Part, the standing committees shall direct the respective departments to conduct a zero-base budget review and evaluation of all other programs and activities of the departments whose statutory entities are scheduled for termination at the same time, in the same manner, and otherwise as provided in Section 193 for the review and evaluation of statutory entities of the respective departments. Such review and evaluation shall give particular attention to objectives (2) through (4) as provided in Subsection A of Section 193. Such review and evaluation shall be submitted to the committees, reviewed and acted upon as otherwise provided in Section 193 for reviews and evaluations of statutory entities. The committee shall also conduct such studies and make such recommendations relative to such programs and activities of the department as is provided in Section 193 for statutory entities."

§ 195. Termination date required to create or re-create a statutory entity.

Any statute which becomes law subsequent to the effective date of this Part which creates or re-creates a statutory entity must contain a termination date for that entity, no more than nine years from the date of creation of the entity. Thereafter, such an entity may only be re-created according to the procedure provided in this Part.

Added by Acts 1976, No. 277, § 6. Amended by Acts 1979, No. 512, § 1.

1979 Amendment: Substituted "nine years" for "four years".

§ 196. Claims against or in favor of terminated entities.

Nothing in this Part shall be construed to effect the termination or dismissal of any claim or right of a citizen against an entity terminated by its provisions, nor to effect the termination or dismissal of any claim or right of the entity. Such claims and rights shall be assumed by the state of Louisiana.

Added by Acts 1976, No. 277, § 7.

§ 197. Legislature may legislate otherwise.

Nothing in this part shall be construed to prohibit the legislature from terminating an entity covered by these provisions at a date earlier than that provided herein, nor to prohibit the legislature from considering any other legislation relative to such an entity.

Added by Acts 1976, No. 277, § 8.

§ 198. Inapplicability to retirement systems.

The provisions of this Part do not apply to retirement systems. Added by Acts 1976, No. 277, § 9.

§ 199. Special provisions for entities with bonds outstanding.

Notwithstanding any other provisions of this Part to the contrary, no entity which has bonds outstanding shall be abolished until and unless provision is made for the payment of principal and interest of said bonds at or before maturity or for the assumption of such indebtedness by the state or any agency or subdivision thereof.

Added by Acts 1976, No. 277, § 10.

MAINE

MAINE SUNSET ACT

Maine Rev. Stat. Ann. tit. 3, § 501 et seq. (1977 Main Volume, 1980 Cum. Pocket Supp. Examined)

CHAPTER 23.—JUSTIFICATION OF STATE GOVERNMENT PROGRAMS

Sec.
501. Short title.
502. Purpose.
503. Definitions.
504. Justification reports.
505. Analysis and recommendations by the Joint Standing Committee on Performance Audit.
506. Termination of independent agencies.
507. Justification and termination dates.
508. Future or reorganized departments and independent agencies.
509. Legislative Council.
510. Legal claims.
511. Review.

Chapter 23, Justification of State Government Programs, was enacted by Laws 1977, c. 554, § 1.

§ 501. Short title.

This Act may be referred to as the "Maine Sunset Act."

1977, c. 554, § 1.

HISTORICAL NOTE

Implementation. Section 2 of Laws 1977, c. 554, provided:

"The Legislative Council, subject to the approval of the Legislature, shall determine the manner in which this chapter is to be implemented. Prior to May 1, 1978, the Legislature shall:

"1. Procedures. Establish the procedures to be used for the legislative review of reports;

"2. Format. Design a format to be used by departments and independent agencies in the preparation of the justification reports and a simplified format to be used by departments and independent agencies which have been subject to major review by the Legislature during the 2 years immediately preceding the pertinent dates set forth in section 507;

"3. Responsibilities. Define the respective responsibilities of the Joint Standing Committee on Performance Audit and other joint standing committees of the Legislature, the Legislative Finance Office and other legislative agencies and personnel and the Department of Audit for carrying out the purposes of this chapter;

"4. Costs. Determine the costs involved in carrying out the purposes of this chapter;

"5. Employees. Make recommendations concerning the status of classified and unclassified employees whose jobs could be terminated as a result of the provisions of this chapter;

"6. Other laws. Study the effects of any other processes of periodic review of state government programs or regulations passed by the 108th Legislature and, if necessary, recommend statutory changes to bring the schedules of the different processes in line with one another; and

"7. Other agencies. Determine whether additional existing governmental bodies should be added to any of the groups in section 507."

LIBRARY REFERENCES

States ⇨ 44.

C.J.S. States §§ 80, 82.

§ 502. Purpose.

The number and size of state departments and independent agencies have increased without sufficient legislative oversight and governmental accountability. The purpose of this Act is to establish a system for periodic justification of departments and agencies of State Government and for the termination of agencies which have outlived their purpose. The Act requires the Legislature to evaluate the need for and performance of present and future departments and agencies on a periodic basis.

1977, c. 554, § 1.

§ 503. Definitions.

As used in this chapter, unless the concept requires otherwise, the following terms shall have the following meanings.

1. Department. "Department" means any of the organizations specified in section 507, subsections 1, 3, 5, 7 and 9, including any bureau, agency, office, commission or other body or official which is within or advisory to any of these organizations.

2. Independent agency. "Independent agency" means any bureau, agency, office, commission or other body or official of State Government which is listed in section 507, subsections 2, 4, 6, 8 and 10, or which is not, or is not part of, the Legislature, the judicial branch, a county, a municipality or a special district.

3. Regulatory function. "Regulatory function" means the function of:

A. Licensing or otherwise regulating initial entry into a profession, occupation, business, industry or other endeavor; or

B. Controlling or directing by regulation, on a continuing basis, the performance of a profession, occupation, business, industry or other endeavor.

4. Report. "Report" means any justification report prepared or submitted pursuant to the provisions of this Act.

1977, c. 554, § 1.

LIBRARY REFERENCES

Words and Phrases (Perm.Ed.)

§ 504. Justification reports.

1. Report required. Each department and independent agency shall prepare and submit to the Legislature a justification report according to the schedule set forth in subsection 3. If, after submitting its first justification report, a department or independent agency has not been terminated by this Act or any other Act of the Legislature, it shall prepare and submit to the Legislature a justification report, pursuant to the provisions of this Act, at least once every 10 years.

2. Contents of justification reports. Each report shall include the following information, presented in as concise a manner as may be reasonably expected.

A. Each report shall include a description of each program and activity of and each advisory body to the department or independent agency, including references to authorizing legislation, organizational charts and a description of objectives.

B. Each report shall either account for or estimate the amount of, whichever is applicable, all moneys received or expected to be received, by source and all moneys disbursed or expected to be disbursed, by program, by the department or independent agency, for the fiscal year immediately preceding, the fiscal year of and the fiscal year immediately following the submittal of the report.

C. Each report shall include an identification and description of other government and private programs and activities having the same, similar or complementary objectives as the department or independent agency.

D. Each report shall include an analysis, quantified as much as possible, of the extent to which the objectives of the department or independent agency have been reached. In addition, each report shall include a prospective analysis of how the department or independent agency plans to meet its objectives during the next 10 years.

3. Submittal of justification reports. Departments and independent agencies designated in section 507 shall submit their justification reports to the Legislature, through the Legislative Administrative Director, according to the following schedule: Group A, no later than October 31, 1978; Group B, no later than October 31, 1980; Group C, no later than October 31, 1982; Group D, no later than October 31, 1984; and Group E, no later than October 31, 1986.

1977, c. 554, § 1.

§ 505. Analysis and recommendations by the Joint Standing Committee on Performance Audit.

1. Objectives. For each department and independent agency which has submitted a justification report, the Joint Standing Committee on Performance Audit shall evaluate the analysis in the report and may conduct its own analysis which shall include, but shall not be limited to, an analysis to the extent to which the objectives of the department or independent agency have been reached. The Legislative Finance Office shall provide the Joint Standing Committee on Performance Audit with whatever assistance is requested for the purposes of this subsection.

2. Submittal of analyses. The Joint Standing Committee on Performance Audit shall submit to the Legislature the evaluations and analyses prepared pursuant to this section of the departments and independent agencies listed in section 507 and its recommendations and any legislation required to implement them according to the following schedule:

Group A, no later than October 31, Group B, no later than October 31, 1981; Group C, no later than October 31, 1983; Group D, no later than October 31, 1985; and Group E, no later than October 31, 1987.

1977, c. 554, § 1977, c. 683, § 1, eff. March 29, 1978.

HISTORICAL NOTE

Laws 1977, c. 683, § 1, repealed and replaced this section, which formerly read:

"*§ 505. Analysis by the Department of Audit*

"The Department of Audit shall evaluate the justification reports prepared and submitted to the Legislature pursuant to section 504. In carrying out this evaluation, the department shall conduct the following analyses.

"*1. Objectives.* For each department and independent agency which has submitted a justification report, the Department of Audit shall evaluate the analysis in the report and may conduct its own analysis of the extent to which the objectives of the department or independent agency have been reached.

"*2. Regulatory function; evaluation criteria.* For each department, body of a department or independent agency which has a regulatory function and which has submitted or for which has been submitted a justification report, the Department of Audit shall conduct an analysis based on a consideration of the following criteria.

"A. Would the absence of regulation significantly harm or endanger the public health, safety or welfare?

"B. Is there a reasonable relationship between the exercise of the state's police power and the protection of the public health, safety or welfare?

"C. Is there another less restrictive method of regulation available which could adequately protect the public?

"D. Does the regulation have the effect of directly or indirectly increasing the costs of any goods or services involved and if so, to what degree?

"E. Is the increase in cost more harmful to the public than the harm which could result from the absence of regulation?

"F. Are all facets of the regulatory process designed solely for the purpose of, and have as their primary effect, the protection of the public?

"*3. Submittal of analyses.* The State Auditor shall submit to the Legislature the evaluations and analyses carried out pursuant to this section, according to a schedule mutually agreed upon by the State Auditor and the Legislative Administrative Director. Any evaluation or analyses prepared pursuant to this section by the Department of Audit of the departments and independent agencies listed in section 507 shall be submitted to the Legislature according to the following schedule: Group A, no later than October 31, 1979; Group B, no later than October 31, 1981; Group C, no later than October 31, 1983; Group D, no later than October 31, 1985; and Group E, no later than October 31, 1987."

§ 506. Termination of independent agencies.

1. Termination. Unless continued or modified by law or unless otherwise provide under section 507, each independent agency shall terminate according to the schedule set forth in that section. Any independent agency not terminated according to that schedule, not exempted from the termination provisions under this chapter, or not terminated by any other Act of the Legislature shall be subject to the termination provisions of this Act at least once every 10 years.

2. Grace period. Each independent agency terminated under this chapter shall have a grace period, not to exceed one year from the date of its termination, in which to complete its duties. During the grace period, termination shall not reduce or otherwise limit the powers or authority of the agency.

3. Expiration of grace period. Upon the expiration of the grace period for any terminated independent agency, the following actions shall occur.

A. The agency shall cease all its activities.

B. The Legislature shall repeal or amend, as necessary, all laws related to the agency.

4. Disposition of property, funds and records. Prior to the expiration of the grace period for any terminated independent agency, the Legislature shall, by law, determine the disposition of:

A. All property, including any land, buildings, equipment and supplies used by the agency;

B. All funds remaining in any account of the agency; and

C. All records resulting from the activities of the agency.

1977, c. 554, § 1.

§ 507. Justification and termination dates.

For the following departments and independent agencies, the justification or termination schedule shall be as provided in this section.

1. Group A departments. The justification for the programs of the following Group A departments shall be reviewed by the Legislature no later than June 30, 1980:

A. Department of Transportation;
B. Department of Agriculture;
C. Department of Public Safety;
D. Department of Defense and Veterans Services; and
E. Department of the Secretary of State.

2. Group A independent agencies. Unless continued or modified by law, the following Group A independent agencies shall terminate, not including the grace period, no later than June 30, 1980. However, the Maine Turnpike Authority shall not terminate, but shall be reviewed by the Legislature not later than June 30, 1980:

A. Passenger Tramway Safety Board;
B. Maine Turnpike Authority;
C. Penobscot Bay and River Pilotage Commission;
D. State Board of Registration for Professional Engineers;
E. State Board of Registration for Land Surveyors;
F. Blueberry Industry Advisory Board;
G. Seed Potato Board;
H. Maine Milk Commission;
I. State Harness Racing Commission;
J. Maine Agricultural Bargaining Board;
K. Board of Veterinary Medicine;
L. Maine Milk Tax Committee;
M. Maine Dairy and Nutrition Council Committee;
N. Board of Pesticide Control;
O. State Planning Office;
P. Maine-Canadian Exchange Office; and
Q. State Lottery Commission.

3. Group B departments. The justification for the programs of the following Group B departments shall be reviewed by the Legislature no later than June 30, 1982:

A. Department of Business Regulation; and
B. Department of the Attorney General.

4. Group B independent agencies. Unless continued or modified by law, the following Group B independent agencies shall terminate, not including a grace period, no later than June 30, 1982. However, the Maine State Housing Authority, the Penobscot Indian Housing Authority, the Pleasant Point Passamaquoddy Indian Housing Authority and the Indian Township Passamaquoddy Indian Housing Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1982:

A. Board of Accountancy;
B. Arborist Examining Board;
C. Maine State Board for Registration of Architects;
D. Board of Examiners for the Examination of Applicants for Admission to the Bar;
E. State Board of Barbers;

F. State Board of Cosmetology;
G. Plumbers' Examining Board;
H. Real Estate Commission;
I. Maine Athletic Commission;
J. Electricians' Examining Board;
K. Oil Burner Men's Licensing Board;
L. State Claims Board;
M. State Board of Examiners of Psychologists;
N. Board of Examiners on Speech Pathology and Audiology;
O. State Board of Social Worker Registration;
P. Maine Criminal Justice Planning and Assistance Agency;
Q. Maine State Housing Authority;
R. Penobscot Indian Housing Authority;
S. Pleasant Point Passamaquoddy Indian Housing Authority; and
T. Indian Township Passamaquoddy Indian Housing Authority.

5. Group C departments. The justification for the programs of the following Group C departments shall be reviewed by the Legislature no later than June 30, 1984:

A. Department of Conservation;
B. Department of Inland Fisheries and Wildlife;
C. Department of Environmental Protection;
D. Department of Marine Resources; and
E. Department of Manpower Affairs.

6. Group C independent agencies. Unless continued or modified by law, the following Group C independent agencies shall terminate, not including a grace period, no later than June 30, 1984. However, the Baxter State Park Authority and the Mountain Resorts Airport Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1984:

A. State Board of Registration for Professional Foresters;
B. Baxter State Park Authority;
C. Coastal Island Trust Commission;
D. Saco River Corridor Commission;
E. Soil and Water Conservation Commission;
F. Inspector of Dams and Reservoirs;
G. Board of Certification of Water Treatment Plant Operators;
H. Maine Sardine Council;
I. Atlantic Sea Run Salmon Commission;
J. Mountain Resorts Airport Authority;
K. Public Utilities Commission;
L. State Development Office;
M. Office of Energy Resources;
N. Office of CETA Planning and Coordination; and
O. Maine Labor Relations Board.

7. Group D departments. The justification for the programs of the following Group D departments shall be reviewed by the Legislature no later than June 30, 1986:

A. Department of Human Services;
B. Department of Indian Affairs; and
C. Department of Mental Health and Corrections.

8. Group D independent agencies. Unless continued or modified by law, the following Group D independent agencies shall terminate, not including a grace period, no later than June 30, 1986. However, the Maine Health Facilities Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1986:

A. Board of Chiropractic Examination and Registration;
B. Board of Dental Examiners;
C. State Board of Funeral Services;
D. State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals;
E. Board of Registration in Medicine;
F. State Board of Nursing;
G. State Board of Optometry;
H. Board of Osteopathic Examination and Registration;
I. Board of Commissioners of the Profession of Pharmacy;
J. Board of Examiners in Physical Therapy;
K. Examiners of Podiatrists;
L. Board of Hearing Aid Dealers and Fitters;
M. Maine Health Facilities Authority;
N. Maine Medical Laboratory Commission;
O. State Planning and Advisory Council on Developmental Disabilities;
P. Board of Visitors (to the State institutions);
Q. Maine Committee on Problems of the Mentally Retarded;
R. Industrial Accident Commission;
S. Governor's Committee on Employment of the Handicapped;
T. Division of Community Services;
U. Maine Commission for Women; and
V. Maine Human Rights Commission.

9. Group E departments. The justification for the programs of the following Group E departments shall be reviewed by the Legislature no later than June 30, 1988:

A. Department of Finance and Administration;
B. Department of the Treasurer of State;
C. Department of Audit;
D. Department of Personnel;
E. Department of Educational and Cultural Services;
F. Maine State Retirement System;
G. Board of Trustees of the University of Maine; and
H. Board of Trustees of the Maine Maritime Academy.

10. Group E independent agencies. Unless continued or modified by law, the following Group E independent agencies shall terminate, not including the grace period, no later than June 30, 1988. However, the Board of Emergency Municipal Finance, the Maine Guarantee Authority and the Maine Municipal Bond Bank shall not terminate but shall be reviewed by the Legislature no later than June 30, 1988:

A. Board of Emergency Municipal Finance;
B. Maine Guarantee Authority;
C. Maine Municipal Bond Bank;
D. Municipal Valuation Appeals Board;
E. Land Classification Appeals Board;

F. State Liquor Commission;

G. Capitol Planning Commission;

H. Board of Trustees, Group Accident and Sickness or Health Insurance;

I. Office of State Employee Relations;

J. State Employees Appeals Board;

K. Educational Leave Advisory Board;

L. Maine Vocational Development Commission;

M. Post-secondary Education Commission of Maine;

N. Advisory Committee on Maine Public Broadcasting;

O. State Government Internship Program Advisory Committee;

P. State Historian;

Q. Historic Preservation Commission; and

R. Maine State Commission on the Arts and the Humanities.

1977, c. 554, § 1; 1977, c. 683, § 2, eff. March 29, 1978.

HISTORICAL NOTE

Subsection 2: Laws 1977, c. 683, § 2, in the last sentence of the introductory paragraph, deleted "the Maine State Housing Authority and the Board of Emergency Municipal Finance", added the Penobscot Bay and River Pilotage Commission, the State Board of Registration for Professional Engineers, the State Board of Registration for Land Surveyors, the Blueberry Industry Advisory Board, the Seed Potato Board, the Maine Milk Commission, the State Harness Racing Commission, the Maine Agricultural Bargaining Board, the Board of Veterinary Medicine, the Maine Milk Tax Committee, the Maine Dairy and Nutrition Council Committee, and the Board of Pesticide Control, and deleted Civil Air Patrol, the Maine State Housing Authority, the Board of Emergency Municipal Finance, the Interstate Boundary Commission and the Advisory Committee on Maine Public Broadcasting.

Subsection 4: Laws 1977, c. 683, § 2, added the last sentence to the introductory paragraph, added the Real Estate Commission, the Maine Athletic Commission, the Electricians Examining Board, the Oil Burner Men's Licensing Board, the State Claims Board, the State Board of Examiners of Psychologists, the Board of Examiners on Speech Pathology and Audiology, the Maine Criminal Justice Planning and Assistance Agency, the Maine State Housing Authority, the Penobscot Indian Housing Authority, the Pleasant Point Passamaquoddy Indian Housing Authority and the Indian Township Passamaquoddy Indian Housing Authority, and deleted the State Board of Registration of Professional Foresters, the Board of Chiropractic Examination and Registration, the State Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Funeral Service, the State Board of Registration for Land Surveyors, Board of Licensure of Administrators of Medical Care Facilities other than Hospitals, the Board of Registration in Medicine, the State Board of Nursing, and the State Board of Optometry.

Subsection 6: Laws 1977, c. 683, § 2, in the last sentence of the introductory paragraph, substituted "the Baxter State Park Authority" for "the Maine Guarantee Authority, the Maine Municipal Bond Bank", and added the State Board of Registration for Professional Foresters, the Board of Certification of Water Treatment Plant Operators, the Atlantic Sea Run Salmon Commission and the Maine Labor Relations Board, and deleted the Forestry Appeals Board, the Maine Guarantee Authority and the Maine Municipal Bond Bank.

Subsection 8: Laws 1977, c. 683, § 2, added the Board of Chiropractic Examination and Registration, the Board of Dental Examiners, the State Board of Funeral Services, the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals, the Board of Registration in Medicine, the State Board of Nursing, the State Board of Optometry, the Board of Osteopathic Examination and Registration, the Board of Commissioners of the Profession of Pharmacy, the Board of Examiners in Physical Therapy, the Examiners of Podiatrists, the Board of Hearing Aid Dealers and Fitters and the Maine Commission for Women, and deleted the Health Facilities Advisory Council, the Board of Trustees, Group Accident and Sickness or Health Insurance, District Health Officers, the Board of Sanitation, Licensing and Inspection, the Maine Criminal Justice Planning and Assistance Agency, and the Governor's Committee on the Status of Women.

Subsection 10: Laws 1977, c. 683, § 2, added the last sentence to the introductory paragraph and added the Board of Emergency Municipal Finance, the Maine Guarantee Authority, the Maine Municipal Bond Bank, the Land Classification Appeals Board, the Board of Trustees, Group Accident and Sickness or Health Insurance, the Advisory Committee on Maine Public Broadcasting, the Historic Preservation Commission and the Maine State Commission on the Arts and Humanities, and deleted the Maine Labor Relations Board.

§ 508. Future or reorganized departments and independent agencies.

The Legislature shall establish schedules for the submittal of periodic justification reports by departments and independent agencies created or substantially reorganized after the effective date of this chapter and for the termination of independent agencies created or substantially reorganized after the effective date of this chapter. All such departments or independent agencies shall be subject to the provisions of this chapter.

1977, c. 554, § 1.

§ 509. Legislative Council.

The Legislative Council shall be responsible for and shall, subject to the approval of the Legislature, issue rules necessary for the efficient administration of this chapter.

1977, c. 554, § 1.

§ 510. Legal claims.

Termination, modification or establishment of departments or independent agencies as a result of the review required by this chapter shall not extinguish any legal claims against the State, any State employee or State department or independent agency. Specifically, the provisions of this chapter shall not relieve the State or any department or independent agency of responsibility for making timely payment of the principal and interest of any debt issued in the form of a bond or a note.

1977, c. 554, § 1.

§ 511. Review.

The Legislature shall review the provisions and effects of this chapter by no later than June 30, 1989, and at least once every 10 years thereafter.

1977, c. 554, § 1.

MAINE

JUSTIFICATION OF STATE GOVERNMENT PROGRAMS

Maine Rev. Stat. Ann. tit. 5., § 504 et seq. (1980 Cum. Pocket Supp.)

CHAPTER 23.—JUSTIFICATION OF STATE GOVERNMENT PROGRAMS

New Sections
507-A. Special sunset reviews.
507-B. Continuation of reviewed agencies.

§ 504. Justification reports.

[*See main volume for text of 1 and 2*]

3. Submittal of justification reports. Departments and independent agencies designated in section 507 shall submit their justification reports to the Legislature, through the Legislative Administrative Director, according to the following schedule:

Group A-1 no later than October 31, 1978;
Group B-2 no later than October 31, 1979;
Group B-1 no later than October 31, 1980;
Group B-2 no later than October 31, 1981;
Group C-1 no later than October 31, 1982;
Group C-2 no later than October 31, 1983;
Group D-1 no later than October 31, 1984;
Group D-2 no later than October 31, 1985;
Group E-1 no later than October 31, 1986; and
Group E-2 no later than October 31, 1987.

1979, c. 654, § 1.

1979 Amendment. Subsection 3: Repealed and replaced by c. 654.

§ 505. Analysis and recommendations by Joint Standing Committee on Performance Audit.

1. Objectives. For each department and independent agency which has submitted a justification report, the Joint Standing Committee on Audit and Program Review shall evaluate the analysis in the report and may conduct its own analysis which shall include, but shall not be limited to, an analysis to the extent to which the objectives of the department or independent agency have been reached. The Legislative Finance Office shall provide the Joint Standing Committee on Audit and Program Review with whatever assistance is requested for purposes of this subsection.

2. Submittal of analyses. The Joint Standing Committee on Audit and Program Review shall submit to the Legislature the evaluations and analyses prepared pursuant to this section of the departments and independent agencies listed in section 507 and its recommendations and any legislation required to implement them according to the following schedule:

Group A-1 no later than December 31, 1979;
Group A-2 no later than December 31, 1980;
Group B-1 no later than December 31, 1981;
Group B-2 no later than December 31, 1982;
Group C-1 no later than December 31, 1983;

Group C-2 no later than December 31, 1984;
Group D-1 no later than December 31, 1985;
Group D-2 no later than December 31, 1986;
Group E-1 no later than December 31, 1987; and
Group E-2 no later than December 31, 1988.

The Joint Standing Committee on Audit and Program Review shall submit to the Legislature its evaluations and analyses of justification reports submitted pursuant to section 507-A no later than 14 months after those reports are submitted to the Legislature.

1979, c. 338, § 1, eff. June 1, 1979; 1979, c. 654, § 2; 1979, c. 663, § 4, eff. March 28, 1980.

1979 Amendments. Subsection 1: Chapter 663 substituted "Joint Standing Committee on Audit and Program Review" for "Joint Standing Committee on Performance Audit" in two places.

Subsection 2: Chapter 338 substituted in introductory paragraph "Audit and Program Review" for "Performance Audit" following "The Joint Standing Committee on"; and substituted, at the beginning of 2nd paragraph, "Group A-1, no later than December 31, 1979; Group A-2, no later than December 31, 1980" for "Group A, no later than October 31, 1979"; and added last paragraph; c. 654 repealed and replaced this subsection, which prior thereto read:

"2. *Submittal of analyses.* The Joint Standing Committee on Audit and Program Review shall submit to the Legislature the evaluations and analyses prepared pursuant to this section of the departments and independent agencies listed in section 507 and its recommendations and any legislation required to implement them according to the following schedule:

"Group A-1, no later than December 31, 1979; Group A-2, no later than December 31, 1980; Group B, no later than October 31, 1981; Group C, no later than October 31, 1983; Group D, no later than October 31, 1985; and Group E, no later than October 31, 1987.

"The Joint Standing Committee on Audit and Program Review shall submit to the Legislature its evaluations and analyses of justification reports submitted pursuant to section 507-A no later than 14 months after those reports are submitted to the Legislature."

§ 507. Justification and termination dates.

For the following departments and independent agencies, the justification or termination schedule shall be as provided in this section.

1. Group A-1 and A-2 departments

A. The evaluations and analyses of the justification reports for the programs of the following Group A-1 departments shall be reviewed by the Legislature no later than June 30, 1980:
(1) Department of Agriculture; and
(2) Department of Defense and Veterans Services.

B. The evaluations and analyses of the justification reports for the programs of the following Group A-2 departments shall be reviewed by the Legislature no later than June 30, 1981:
(1) Department of Transportation;
(2) Department of Public Safety; and
(3) Department of the Secretary of State.

2. Group A-1 and A-2 independent agencies

A. Unless continued or modified by law, the following Group A-1 independent agencies shall terminate, not including the grace period, no later than June 30, 1980:
(1) Maine Blueberry Commission;

(2) Blueberry Industry Advisory Board;
(3) Seed Potato Board;
(4) Maine Milk Commission;
(5) State harness Racing Commission;
(6) Maine Agricultural Bargaining Board;
(7) Board of Veterninary Medicine;
(8) Maine Milk Tax Committee;
(9) Maine Dairy and Nutrition Council Committee;
(10) Board of Pesticide Control;
(11) State Planning Office; and
(12) State Lottery Commission.

B. Unless continued or modified by law, the following Group A-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1981. The Maine Turnpike Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1981:

(1) Maine Turnpike Authority;
(2) Penobscot Bay and River Pilotage Commission;
(3) State Board of Registration for Professional Engineers; and
(4) State Board of Registration for Land Surveyors.

3. Group B-1 and B-2 departments

A. The evaluations and analyses of the justification reports for the programs of the following Group B-1 department shall be reviewed by the Legislature no later than June 30, 1982:

(1) Department of Human Services.

B. The evaluations and analyses of the justification reports for the programs of the following Group B-2 departments shall be reviewed by the Legislature no later than June 30, 1983:

(1) Department of Mental Health and Corrections; and
(2) Department of Indian Affairs.

Text of subsection 4 as amended by 1979, c. 654, §3

4. Group B-1 and B-2 independent agencies

A. Unless continued or modified by law, the following Group B-1 independent agencies shall terminate, not including the grace period, no later than June 30, 1982:

(1) Plumbers' Examining Board;
(2) State Board of Funeral Services;
(3) Board of Hearing Aid Dealers and Fitters; and
(4) Maine Human Services Council.

B. Unless continued or modified by law, the following Group B-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1983. The Maine Health Facilities Authority, the Maine State Housing Authority, the Pleasant Point Passamaquoddy Indian Housing Authority and the Indian Township Passamaquoddy Indian Housing Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1987:

(1) Board of Chiropractic Examination and Registration;
(2) Board of Dental Examiners;

(3) State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals;
(4) Board of Registration in Medicine:
(5) State Board of Nursing;
(6) State Board of Optometry;
(7) Board of Osteopathic Examination and Registration;
(8) Board of Commissioners of the Profession of Pharmacy;
(9) Examiners of Podiatrists;
(10) Maine Health Facilities Cost Review Board;
(11) Maine Medical Laboratory Commission;
(12) State Planning and Advisory Council on Developmental Disabilities;
(13) Maine Committee on Problems of the Mentally Retarded.
(14) Governor's Committee on Employment of the Handicapped;
(15) Division of Community Services;
(16) Maine State Housing Authority;
(17) Penobscot Indian Housing Authority;
(18) Pleasant Point Passamaquoddy Indian Housing Authority;
(19) Indian Township Passamaquoddy Indian Housing Authority and
(20) Maine Health Facilities Authority.

Text of subsection 4 as amended by 1979. c. 732, § 4, effective upon enactment of legislation by United States.

4. Group B independent agencies. Unless continued or modified by law, the following Group B independent agencies shall terminate, not including a grace period, no later than June 30, 1982. However, the Maine State Housing Authority, the Penobscot Indian Housing Authority, the Pleasant Point Passamaquoddy Indian Housing Authority and the Indian Township Passamaquoddy Indian Housing Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1982:

A. Board of Accountancy;
B. Arborist Examining Board;
C. Maine State Board for Registration of Architects;
D. Board of Examiners for the Examination of Applicants for Admission to the Bar;
E. State Board of Barbers;
F. State Board of Cosmetology;
G. Plumbers' Examining Board;
H. Real Estate Commission;
I. Maine Athletic Commission;
J. Electricians' Examining Board;
K. Oil Burner Men's Licensing Board;
L. State Claims Board;
M. State Board of Examiners of Psychologists;
N. Board of Examiners on Speech Pathology and Audiology;
O. State Board of Social Worker Registration;
P. Maine Criminal Justice Planning and Assistance Agency;
Q. Maine State Housing Authority;
[R to T. *Repealed.*]

5. Group C-1 and C-2 departments

A. The evaluations and analyses of the justification reports for the programs of the following Group C-1 departments shall be reviewed by the Legislature no later than June 30, 1984:

(1) Department of Conservation; and

(2) Department of Inland Fisheries and Wildlife.

B. The evaluations and analyses of justification reports for the programs of the following Group C-2 departments shall be reviewed by the Legislature no later than June 30, 1985:

(1) Department of Environmental Protection; and

(2) Department of Marine Resources.

6. Group C-1 and C-2 independent agencies

A. Unless continued or modified by law, the following Group C-1 independent agencies shall terminate, not including the grace period, no later than June 30, 1984. The Baxter State Park Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1984:

(1) Baxter State Park Authority;

(2) Coastal Island Trust Commission;

(3) Saco River Corridor Commission;

(4) Soil and Water Conservation Commission;

(5) Inspector of Dams and Reservoirs;

(6) Board of Certification of Water Treatment Plant Operators; and

(7) Keep Maine Scenic Committee.

B. Unless continued or modified by law, the following Group C-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1985:

(1) Maine Sardine Council;

(2) Atlantic Sea Run Salmon Commission;

(3) Public Utilities Commission;

(4) State Development Office;

(5) Office of Energy Resources;

(6) Atlantic States Marine Fisheries Commission; and

(7) Maine Development Foundation.

7. Group D-1 and D-2 departments

A. The evaluations and analyses of the justification reports for the programs of the following Group D-1 departments shall be reviewed by the legislature no later than June 30, 1986:

(1) Department of the Attorney General; and

(2) Department of Business Regulation.

B. The evaluations and analyses of the justification reports for the programs of the following Group D-2 departments shall be reviewed by the Legislature no later than June 30, 1987:

(1) Department of Manpower Affairs; and

(2) Department of Personnel.

8. Group D-1 and D-2 independent agencies

A. Unless continued or modified by law, the following Group D-1 independent agencies shall terminate, not including the grace period, no later than June 30, 1986:

(1) Real Estate Commission;

(2) Maine Athletic Commission;
(3) Electricians' Examining Board;
(4) Oil Burner Men's Licensing Board;
(5) State Claims Board;
(6) State Board of Examiners of Psychologists;
(7) Board of Examiners on Speech Pathology and Audiology;
(8) State Board of Social Worker Registration;
(9) Board of Accountancy;
(10) Arborist Examining Board;
(11) Maine State Board for Registration of Architects and landscape Architects;
(12) Board of Examiners for the Examination of Applicants for Admission to the Bar;
(13) State Board of Barbers;
(14) State Board of Cosmetology;
(15) Manufactured Housing Board;
(16) State Running Horse Racing Commission;
(17) Board of Registration of Substance Abuse Counselors;
(18) State Board of Registration for Professional Foresters;
(19) State Board of Certification for Geologists and Soil Scientists;
(20) Board of Examiners in Physical Therapy; and
(21) Maine Criminal Justice Planning and Assistance Agency.

B. Unless continued or modified by law, the following Group D-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1987:

(1) Office of CETA Planning and Coordination;
(2) Maine Commission for Women;
(3) Maine Human Rights Commission;
(4) Maine Labor Relations Board;
(5) Office of State Employees Relations;
(6) State Employees Appeals Board;
(7) Educational Leave Advisory Board; and
(8) Worker's Compensation Commission.

9. Group E-1 and E-2 departments

A. The evaluations and analyses of the justification reports for the programs of the following Group E-1 departments shall be reviewed by the Legislature no later than June 30, 1988:

(1) Department of Finance and Administration;
(2) Department of the Treasurer of State; and
(3) Department of Audit.

B. The evaluations and analyses of the justification reports for the programs of the following Group E-2 departments shall be reviewed by the Legislature no later than June 30, 1989:

(1) Maine State Retirement System;
(2) Department of Educational and Cultural Services;
(3) Board of Trustees of the University of Maine; and
(4) Board of Trustees of the Maine Maritime Academy.

10. Group E-1 and E-2 independent agencies

A. Unless continued or modified by law, the following Group E-1 independent agencies shall terminate, not including the grace period, no later that June 30, 1988. The Board of Emergency Municipal Finance, the Maine Guarantee Authority, the Maine Municipal Bond Bank and the Maine Small Business Loan Authority Board shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1988:

(1) Board of Emergency Municipal Finance;
(2) Maine Guarantee Authority;
(3) Maine Municipal Bond Bank;
(4) Municipal Valuation Appeals Board;
(5) Land Classification Appeals Board;
(6) State Liquor Commission;
(7) Capitol Planning Commission;
(8) Maine Small Business Loan Authority Board; and
(9) State Board of Assessment Review.

B. Unless continued or modified by law, the following Group E-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1989:

(1) Board of Trustees Group Accident and Sickness or Health Insurance;
(2) Maine Vocational Development Commission;
(3) Post-secondary Education Commission of Maine;
(4) Advisory Committee on Maine Public Broadcasting;
(5) State Government Internship Program Advisory Committee;
(6) State Historian;
(7) Historic Preservation Commission;
(8) Maine State Commission on the Arts and the Humanities;
(9) Maine Occupational Information Coordinating Committee; and
(10) Maine Historical Society.

1979, c. 338, § 2, eff. June 1, 1979; 1979, c. 654, § 3; 1979, c. 732, § 4.

1979 Amendments. Subsections 1 and 2: Repealed and replaced by c. 338.
Subsection 3: Repealed and replaced by c. 654.
Subsection 4: Repealed and replaced by c. 654.
Subsection 4. R to T: Repealed by c. 732. Without reference to repeal and replacement of subsection by c. 654.
Subsections 5 to 10: Repealed and replaced by c. 654.

Inseparability and Effective Date. For inseparability and effective date provisions of 1979, c. 732, see the italicized note preceding title 30, § 6201.

Change of name. "Department of Agriculture" as meaning "Department of Agriculture, Food and Rural Resources", see note under title 7, § 1.

§ 507-A. Special sunset reviews.

The Legislature may, by joint resolution passed before May 15th of any year, designate departments or independent agencies for sunset review in addition to those scheduled for review in section 507. All departments and independent agencies so designated shall, pursuant to section 504, subsection 2, submit justification reports to the Legislature no later than October 31st following the passage of the joint resolution.

1979, c. 338, § 3, eff. June 1, 1979.

Library References

States ⚿ 72.
C.J.S. States § 123.

§ 507-B. Continuation of reviewed agencies.

The following independent state agencies have been reviewed by the Joint Standing Committee on Audit and Program Review and are continued beyond the following termination dates, subject to section 506, subsection 1.

1. Agencies scheduled for termination on June 30, 1980. Pursuant to section 507, subsection 2, paragraph A, the following independent agencies, scheduled for termination on June 30, 1980, are continued without modification or are continued as modified by Act of the Legislature passed prior to June 30, 1980.

A. Agencies continued without modification are:
(1) Maine Milk Commission;
(2) Blueberry Industry Advisory Board;
(3) Maine Agricultural Bargaining Board;
(4) Board of Veterinary Medicine;
(5) Maine Dairy Promotion Board;
(6) Maine Dairy and Nutrition Council Committee; and
(7) State Lottery Commission.

B. Agencies continued as modified by Act of Legislature are:
(1) Maine Milk Commission;
(2) Seed Potato Board;
(3) State Harness Racing Commission;
(4) Board of Pesticide Control; and
(5) State Planning Office.

1979, c. 672, § A, 1.

MARYLAND

REGULATORY PROGRAMS EVALUATION ACT OF 1978

Md. Ann. Code art. 41, § 484 et seq. (1978 Repl. Volume and 1979 Cum. Supp.)

REGULATORY PROGRAMS EVALUATION ACT OF 1978

§ 484. Public policy; purposes of subtitle.

It is essential to the maintenance of a healthy State economy and a government that has the confidence of citizens that the State establish a system of periodic legislative review of State regulatory and licensing activities. This review of executive branch performance is consistent with other activities and goals of the General Assembly. The purpose of this review is to determine which regulatory functions are necessary to serve the public interest and to make regulatory boards accountable and responsive to the public interest in carrying out these necessary functions. The purpose of this subtitle is to ensure that this periodic review of State regulatory and licensing activities takes place by establishing statutory deadlines for legislative evaluation and legislative action. (1978, ch. 808, § 1.)

Editor's note.—Chapter 808, Acts 1978, designated the sections constituting this subtitle as §§ 483-488, but since § 483 had previously been added by ch. 593, Acts 1978, the sections added by ch. 808 have been designated herein as §§ 484-489.

Section 3 of ch. 808 provides that "the provisions of this act that require certain actions by legislative committees are enacted by the General Assembly as an exercise of the rule-making power of the Senate and the House of Delegates. They shall be considered as part of the rules of each house with full recognition of the constitutional right of either house to change the rules, as relating to its house, at any time in the same manner as any other rule of the house."

Section 4 of ch. 808 provides that "the Policy Committee of the General Assembly shall undertake a study of legislative oversight and program evaluation. The Policy Committee shall report to the General Assembly by December 1, 1979, with a proposal for including an evaluation component in all legislation establishing new State boards or programs. The evaluation component shall include a requirement that the board or the administrator of the program gather and maintain information about its activities sufficient to give the General Assembly, the public, and the board or the administrator the capacity to evaluate the success of the board or program. The proposal shall also provide for the periodic repeal of all new boards or programs in order to ensure periodic evaluation and legislative oversight similar to that required under this act."

Section 5 of ch. 808 provides that "the Policy Committee of the General Assembly shall undertake a study of the act and shall report to the General Assembly by December 1, 1981. The study shall include an evaluation of the quality and effectiveness of the evaluation performed under this act, the implementation of the recommendations made by the Department of Fiscal Services, and the legislative committees, and the impact of the act on the General Assembly."

Section 6 of ch. 808 provides that the act shall take effect July 1, 1978.

§ 485. Definitions.

As used in this subtitle, "*board*" means any board, commission, committee, council, division, or office listed in § 486 of this subtitle. (1978, ch. 808, § 1.)

§ 486. Evaluation schedule.

(a) The following boards and related statutes and regulations shall be evaluated by July 1, 1980:

(1) Board of Barber Examiners (Art. 43, § 311);
(2) State Board of Cosmetologists (Art 43, § 539);

(3) State Athletic Commission (Art. 56, § 109);

(4) Board of Examining Moving Picture Machine Operators (§ 11-3 of the Public Local Laws of Baltimore City);

(5) Maryland State Board of Censors (Art. 66A, § 3);

(6) Board of Certification of Water Works (Art. 43, § 406A);

(7) Mine Examining Board (Nat. Res. Art., § 7-206);

(8) Maryland State Board of Well Drillers (Nat. Res. Art., § 8-607);

(9) Maryland Racing Commission (Art. 78B, § 1);

(10) Maryland Standardbred Race Fund advisory committee (Art. 78B, § 17A);

(11) Maryland-Bred Race Fund advisory committee (Art. 78B, § 18A);

(12) State Board of Inspection of Horse Riding Stables (Art. 56, § 130);

(13) State Board of Veterinary Medical Examiners (Ag. Art., § 2-302).

(b) The following boards and related statutes and regulations shall be evaluated by July 1, 1981:

(1) Office of the Bank Commissioner (§ 2-101 of the Financial Institutions Article);

(2) Bank Regulations Board (§ 2-301 of the Financial Institutions Article);

(3) Banking Board (§ 2-201 of the Financial Institutions Article);

(4) Division of Savings and Loan Associations (§ 8-301 of the Financial Institutions Article);

(5) Board of Savings and Loan Association Commissioners (§ 8-201 of the Financial Institutions Article);

(6) Maryland Credit Union Insurance Corporation (§ 7-102 of the Financial Institutions Article);

(7) Maryland Home Improvement Commissions (Art. 56, § 250);

(8) Real Estate Commission of Maryland (Art 56, § 213);

(9) Real Estate Hearing Board (Art. 56, § 224A);

(10) Office of the Commissioner of Consumer Credit (§ 11-102 of the Financial Institutions Article);

(11) State Board of Chiropractic Examiners (Art. 43, § 499);

(12) Board of Osteopathic Examiners (Art. 43, § 467);

(13) State Board of Physical Therapy Examiners (Art. 43, § 606);

(14) Board of Podiatry Examiners (Art. 43, § 482);

(15) State Board of Funeral Directors and Embalmers (Art. 43, § 339);

(16) The Collection Agency Licensing Board (Art. 56, § 325).

(c) The following boards and related statutes and regulations shall be evaluated by July 1, 1982:

(1) Insurance Commissioner and Division (Art. 48A, §§ 14 and 15);

(2) Maryland Architectural Registration Board (Art. 43, § 517);

(3) Board of Examining Engineers (§ 4-1 of the Public Local Laws of Baltimore City);

(4) Board of Electrical Examiners and Supervisors (§ 3-1 of the Public Local Laws of Baltimore City);

(5) Board of Boiler Rules (Art. 48, § 169);

(6) Maryland Board of Examiners of Landscape Architects (Art. 56, § 277);

(7) Board of Registration for Professional Engineers (Art. 75½);

(8) State Board of Commissioners of Practical Plumbing (Art. 43, § 329);

(9) Board of Medical Examiners (Art. 43, § 120);

(10) State Board of Examiners of Nurses (Art. 43, § 292);

(11) Maryland State Board of Examiners of Nursing Home Administrators (Art. 43, § 769);

(12) State Board of Examiners of Psychologists (Art. 43, § 621);

(13) Maryland State Board of Dental Examiners (Art. 32, § 2);

(14) Board of Examiners of Optometry (Art. 43, § 368);

(15) Maryland Board of Pharmacy (Art. 43, § 257);

(16) Board of Sanitarian Registration (Art 43, § 726);

(17) Health Services Cost Review Commission (Art. 43, § 568-I);

(18) State Board of Registration for Professional Land Surveyors (Art. 56, § 330).

(d) The following boards and related statutes and regulations shall be evaluated by July 1, 1983:

(1) State Board of Registration for Foresters (Art. 56, § 301);

(2) Board of Examiners of Maryland Pilots (Art. 74, § 2);

(3) State Board of Law Examiners (Art. 10, § 2);

(4) Maryland State Board of Public Accountancy (Art. 75A, § 1);

(5) Board of Examiners for Hearing Aid Dealers (Art. 43, § 750);

(6) Board of Examiners for Audiologists (Art. 43, § 802);

(7) Board of Examiners for Speech Pathologists (Art. 43, § 803);

(8) State Board of Social Work Examiners (Art. 43, § 862);

(9) Division of Labor and Industry (Art. 89, § 1);

(10) Apprenticeship and Training Council (Art. 89, § 51);

(11) Advisory committee on the Wage and Hour Law (Art. 100, § 85);

(12) Employment agency advisory board (Art. 56, § 165A);

(13) Occupational Safety and Health Advisory Board (Art. 89, § 31);

(14) Advisory Council on Prevailing Wage Rates (Art. 100, § 106);

(15) Amusement Ride Safety Advisory Board. (1978, ch. 808, § 1; 1980, ch. 578, § 1; ch. 712, § 2).

Effect of amendments.—Chapter 578, § 1, Acts 1980, effective July 1, 1980, substituted references to the Financial Institutions Article for references to former article 11 in items (1), (2) and (3) of subsection (b), for references to former sections in article 23 in items (4), (5) and (6) in that subsection and for a reference to former § 192 of article 41 in item (10) therein.

Chapter 712, § 1, Acts 1980, effective July 1, 1980, substituted "Amusement Ride Safety Advisory Board" for "Amusement Ride Safety Advisory Board" in item (15) of subsection (d).

(Amendment effective July 1, 1981)

§ 486. Evaluation schedule.

(b) The following boards and related statutes and regulations shall be evaluated by July 1, 1981:

(16) The Collection Agency Licensing Board (Art. 56, Sec. 325);

(17) The School Health Pilot Program (Education Article, § 7-413.1). (1980, ch. 754.)

Amendment effective July 1, 1981.—Chapter 754, Acts 1980, effective July 1, 1981, adds paragraph (17) in subsection (b).

Only paragraphs (16) and (17) of subsection (b) are set forth above.

Section 2, ch. 754, Acts 1980, provides that "the effectiveness of this act is contingent upon the funding of this program in the operating budget of the State for fiscal year 1982. Failing the availability of funds for this program, the provisions of this act shall be null and void without the need of further action by the General Assembly."

Section 3 of ch. 754 provides that "subject to the provisions of § 2 above, this act shall take effect July 1, 1981."

§ 487. Period of reestablishment of terminated board; legislative evaluation committee; evaluation plans and reports; recommendation to General Assembly.

(a) If any board made subject by this subtitle to termination and evaluation is subsequently reestablished by statute, such reestablishment is for a period of six years, at which time the board is again terminated and made subject to evaluation pursuant to this subtitle, unless the reestablishing statute specifically provides otherwise.

(b) Before June 1 of the year preceding the evaluation date of a board under § 486 of this subtitle, a legislative evaluation committee shall be appointed by the President of the Senate, the Speaker of the House, or jointly by the President and the Speaker.

(c) Before July 1 of the year preceding the evaluation date of a board under §486 of this subtitle, the legislative evaluation committee appointed under subsection (b) of this section shall prepare a plan for the evaluation of the board after consultation with the board, the Department of the Budget and Fiscal Planning, and the Department of Fiscal Services. An evaluation plan must provide for periodic consultation between the Department of Budget and Fiscal Planning, the Department of Fiscal Services, and the relevant legislative committees.

(d) Before November 1 of the year preceding the evaluation date of a board under §486 of this subtitle, the Department of Fiscal Services shall prepare an evaluation report based on the evaluation plan adopted pursuant to subsection (c). The Department shall submit the report to the General Assembly and make copies available to interested parties and members of the public.

(e) To the extent appropriate to the evaluation of a board and consistent with the evaluation plan adopted under subsection (c) of this section the evaluation report shall discuss:

(1) The purpose of the regulation and the manner of operation of the board designed to achieve the purpose;

(2) Any change in conditions since the regulation was established that suggest the need for change in the regulation;

(3) Whether the absence of regulation would significantly affect the public health, safety, or welfare;

(4) Whether the regulation has increased or decreased the costs of any goods or services;

(5) Whether the statute establishes a clear regulatory mandate and the board complies with the statutory mandate;

(6) Whether the board has established clear objectives and the extent to which the objectives have been achieved;

(7) Whether other entities, programs or activities of the State government have the same or similar objectives, and, if so, a comparison of the cost and effectiveness of such entities, programs, or activities, and identification of any duplication of the entity under review;

(8) Whether other entities, programs or activities of local government, the federal government, or the private sector provide the same or similar services;

(9) Whether the board is given budget and staff resources and enforcement authority adequate or in excess of what is needed to carry out its statutory mandate. This discussion shall include a description of the board's source of funds;

(10) Whether the board has permitted only qualified applicants for licenses to serve the public and has not unduly restricted access to any profession or occupation;

(11) Whether the board has operated in an open and accountable manner, with public access to records and meetings, and safeguards against conflicts of interest;

(12) Whether the board has encouraged participation by the public as opposed to participation solely by the persons it regulates. This discussion shall include a discussion of the role of consumer representatives on the board;

(13) Whether applications and formal public complaints filed with the board have been processed efficiently and fairly;

(14) Whether the board gathers and maintains information about its activities and the activities of regulated individuals and interests sufficient to permit the board to carry out its duties, to inform the public, and to give the General Assembly the capacity to evaluate the success of the regulation, and whether superfluous information is gathered and maintained;

(15) Alternative methods of regulation, including those that have been successful in other states, and suggestions for statutory changes.

(f) The evaluation report also may include any other information provided for in the evaluation plan or which the Department of Fiscal Services deems appropriate.

(g) Before December 15 of the year preceding the year of the evaluation date, the legislative evaluation committee shall hold a public hearing to receive testimony from the board and the public regarding the evaluation report prepared by the Department of Fiscal Services.

(h) On or before the twentieth day of the regular session of the General Assembly in the year of evaluation, the legislative evaluation committee shall report to the General Assembly its recommendation to reestablish, reconstitute with changes, repeal, or allow to terminate the board under evaluation. This report shall be accompanied by a bill to effect the recommendation, if legislation is appropriate. (1978, ch. 808, §1; 1980, ch. 481.)

Effect of amendment.—The 1980 amendment, effective July 1, 1980, added present subsection (b), redesignated former subsections (b) to (g) to be present subsections (c) to (h), substituted "the legislative evaluation committee appointed under subsection (b) of this section" for "a Senate committee designated by the President or a House committee designated by the Speaker" in the first sentence in present subsection (c), substituted "November 1" for "November 15" near the beginning of present subsection (d), substituted "subsection (c)" for "subsection (b)" at the end of the first sentence in that subsection, added "To the extent appropriate to the evaluation of a board and consistent with the evaluation plan adopted under subsection (c) of this section" at the beginning of present subsection (e), added "provided for in the evaluation plan or" in present subsection (f), substituted "legislative evaluation committee" for "designated committee" in present subsection (g) and in the first sentence in present subsection (h) and substituted "twentieth day" for "eighth day" near the beginning of subsection (h).

§488. Cooperation of boards.

A board which is subject to evaluation under this subtitle shall upon request, promptly supply the Department of Fiscal Services and the reviewing committees with all information which is requested and shall otherwise cooperate with the Department and the committees in the evaluation. (1978, ch. 808, §1.)

§489. Transition.

(a) *Continuation in office of member of reestablished board.*—A member of a board that is reestablished pursuant to this subtitle shall continue to hold office for the term for which the member was appointed unless the law reestablishing the board provides to the contrary.

(b) *Assumption of claims or rights.*—This subtitle shall not cause the dismissal of any claim or right of a person or entity against any board, or any claim or right of a board repealed under this subtitle, which is subject to litigation. The State shall assume all such claims and rights. (1978, ch. 808, § 1.)

Cross reference.—See Editor's note to § 484 of this article.

MISSISSIPPI

GOVERNMENTAL UNITS PHASING OUT OPERATIONS

Miss. Code Ann. § 5-9-1 et seq. (1981 Cum. Supp.)

CHAPTER 9 [New].—AGENCY REVIEW

Sec.

5-9-1. Short title.
5-9-3. Legislative purpose.
5-9-5. Governmental units phasing out operations on July 1, 1980.
5-9-7. Governmental units phasing out operations on July 1, 1981.
5-9-9. Governmental units phasing out operations on July 1, 1982.
5-9-11. Governmental units phasing out operations on July 1, 1983.
5-9-13. Executive orders establishing governmental units enacted into statutory law.
5-9-15. Continuation of life of governmental units—phasing out period.
5-9-17. Reviewing committees—assignment of governmental units—joint meetings.
5-9-19. Reviewing committees—public hearings—information provided by governmental units.
5-9-21. Reviewing committees—criteria for determination of continued existence of governmental unit.
5-9-23. Reviewing committees—direction of inquiry.
5-9-25. Reviewing committees—information furnished by committee on performance evaluation and expenditure review.
5-9-27. Reviewing committees—recommendations.
5-9-29. Vote of legislature—special sunset calendar.
5-9-31. Funding of governmental unit after applicable termination date.
5-9-33. Bills continuing or reestablishing governmental units.
5-9-35. Exclusions—subsequent statutes—prior ordinances, rules and the like.

§ 5-9-1. Short title.

This chapter shall be known and may be cited as the "Mississippi Agency Review Law of 1978."

Sources: Laws, 1979, ch. 301, § 1, eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

Cross references—

As to exemption of the Wavelands Regional Wastewater Management District from the agency review law, see § 49-17-171.

As to exemption of the Mississippi Gulf Coast Regional Wastewater Authority from the agency review law, see § 49-17-311.

§ 5-9-3. Legislative purpose.

The legislature finds that the growth of state government has produced a substantial increase in numbers of governmental units, growth of programs and proliferation of rules and regulations. The legislature finds that the entire structure of state government needs present and future periodic review to ferret out duplication of programs and unnecessary expenditures. The legislature further finds that by establishing a system for the termination, continuation or modification of certain governmental units, it will be in a better position to evaluate the need for the continued existence of existing and future governmental units.

Sources: Laws, 1979, ch. 301, § 2, eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-5. Governmental units phasing out operations on July 1, 1980.

The governmental units set forth in this section shall begin to phase out their operations on July 1, 1980, and the code sections set forth in sections 31-3-25, 73-23-27, 73-29-49, 73-31-31, 73-35-37, 73-37-27, 73-38-37 and 73-39-39, Mississippi code of 1972, or other authority relating to such governmental units shall be repealed or rescinded in their entirety the following December 31:

(1) Mississippi Physical Therapy Board as authorized by section 73-23-41. [This probably was intended to be added to listing of units phasing out operations on July 1, 1988.]

(2) Polygraph Examiners Board as authorized by section 73-29-7.

(3) Mississippi State Board of Psychological Examiners as authorized by section 73-31-5.

(4) State Board of Public Contractors of Mississippi as authorized by section 31-3-3.

(5) Mississippi Real Estate Commission as authorized by section 73-35-5.

(6) State Board of Registration for Sanitarians as authorized by section [73-37-1].

(7) Mississippi Council of Advisors in Speech Pathology and Audiology as authorized by section 73-38-11.

(8) Board of Veterinary Examiners as authorized by section 73-39-5

(9) Governor's Committee for the Arts as authorized by executive order 240.

(10) State Bond Advisory Division in the Office of the Governor and the State Bond Advisory Committee as authorized by executive order 225.

(11) Mississippi Council on Children as authorized by executive order 208.

(12) Criminal Justice Planning Division as authorized by executive order 200.

(13) Executive Director of Education and Training (job development and training) as authorized by executive order 104.

(14) Office of Emergency Preparedness as authorized by executive order 253.

(15) The Governor's Committee on Employment of the Handicapped and the Executive Board thereof as authorized by executive orders 243, 247, and 251.

(16) Entertainment Hall of Fame Commission as authorized by executive order 195.

(17) Executive Mansion Fine Arts Commission as authorized by executive order 122.

(18) Coordinator of Federal-State Programs as authorized by executive order 29.

(19) Mississippi Film Commission as authorized by executive order 135.

(20) Mississippi Fuel and Energy Management Commission as authorized by executive order 151.

Sources: Laws, 1979, ch. 301, § 4 (intro), (b), eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984; 1980, ch. 543, § 19, eff from and after 60 days after passage (approved May 26, 1980).

Editor's Note—

The provisions relating to the state board of registration for sanitarians (sections 73-37-1 et seq.) were reenacted by Laws, 1980, Chapter 532 and shall stand repealed as of December 31, 1982.

Laws 1980, ch. 543, § 19 which amended item (1) of this section probably should have retained the Board of Physical Therapy authorized in former § 73-23-1 as the unit referred to in item (1), and added the Mississippi Physical Therapy Board created by § 73-23-41 to a listing of entities phasing out operations on July 1, 1988, as § 73-23-27, as amended by § 20 of ch. 543 provides that §§ 73-23-31 through 73-23-63 will stand repealed as of December 31, 1988.

The provisions relating to the Mississippi State Board of Psychological Examiners, (sections 73-31-1 et seq.) were reenacted by Laws, 1980, ch. 495 and shall stand repealed as of December 31, 1988.

The provisions relating to the Mississippi Real Estate Commission (sections 73-35-1 et seq.) were reenacted by Laws 1980, ch. 499 and shall stand repealed as of December 31, 1988.

The provisions relating to the polygraph examiners board (sections 73-29-1 et seq.) were reenacted by Laws 1980, ch. 500 and shall stand repealed as of December 1, 1988.

The provisions relating to the board of veterinary examiners (sections 73-39-1 et seq.) were reenacted by Laws 1980, ch. 545 and shall stand repealed as of December 31, 1988.

The provisions relating to the Mississippi Council of Advisors in Speech Pathology and Audiology (sections 73-38-1 et seq.) were reenacted by Laws 1980, ch. 546, effective from and after July 1, 1980, and shall stand repealed as of December 31, 1988.

§ 5-9-7. Governmental units phasing out operations on July 1, 1981.

The governmental units set forth in this section shall begin to phase out their operations on July 1, 1981 and the authority relating to such governmental units shall be rescinded in their entirety the following December 31:

(1) State Health Planning and Development Agency and the Statewide Health Coordinating Council as authorized by executive orders 223 and 236.

(2) Office of Highway Safety, the Mississippi Officials' Traffic Safety Coordinating Commission and the Governor's Traffic Safety Advisory Committee as authorized by executive order 94.

(3) Division of Housing Coordination as authorized by executive orders 105, 121, and 168.

(4) Office of Human Resources as authorized by executive order 114.

(5) Mississippi Industrial Relations Council as authorized by executive order 232.

(6) Mississippi Information and Statistics System Policy Group as authorized by executive order 197.

(7) Mississippi Internal Development Assistance Service (MIDAS) as authorized by executive order 216.

(8) State Manpower Planning Council and the Ancillary Manpower Planning Boards as authorized by executive orders 86 and 101.

(9) Natural Disaster Preparedness Plans and Programs Council as authorized by executive order 202.

(10) The Governor's Office of Natural Resources and Technology as authorized by executive order 245.

(11) State Office of Petroleum Allocation as authorized by executive orders 164 and 177.

(12) Governor's Office of Planning and Coordination as authorized by executive order 230.

(13) Mississippi Ports Management Council as authorized by executive order 231.

(14) Mississippi Commission on Preparation of Persons to Serve Handicapped Citizens as authorized by executive order 205.

(15) The Office of Protection and Advocacy for Developmentally Disabled Individuals and the State Advisory Committee on Protection and Advocacy for Developmentally Disabled Individuals as authorized by executive order 242.

(16) Mississippi Council on Tourism, Parks and Recreation as authorized by executive order 233.

Sources: Laws, 1979, ch., 301, § 4 (intro), (c), eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-9. Governmental units phasing out operations on July 1, 1982.

The governmental units set forth in this section shall begin to phase out their operations on July 1, 1982, and the code sections set forth in sections 41-3-30, 53-1-201, 71-3-113, 77-1-51, 81-1-54, 81-3-14, 81-12-209, 81-13-77, 83-1-41 and 83-3-301, or other authority relating to such governmental units shall be repealed or rescinded in their entirety the following December 31:

(1) State Advisory Committee on Voluntary Family Planning as authorized by executive order 156.

(2) The Governor's Office of Special Volunteer Programs (ACTION) and the State Voluntary Advisory Council thereto as authorized by executive order 244.

(3) Water Resources Council as authorized by executive order 32.

(4) State Oil and Gas Board as authorized by section 53-1-5.

(5) Public Service Commission as authorized by section 77-1-1.

(6) State Board of Banking Review as authorized by section 81-3-12.

(7) Department of Banking and Consumer Finance as authorized by section 81-1-59.

(8) Credit Union Board as authorized by section 83-13-2.

(9) Savings Association of Board as authorized by section 81-12-5.

(10) Commissioner of Insurance as authorized by section 83-1-3.

(11) Mississippi Department of Insurance as authorized by section 83-1.

(12) Mississippi Insurance Commission as authorized by section 83-3-1.

(13) State Board of Health as authorized by section 41-3-1.

(14) Workmen's Compensation Commission as authorized by section 71-3-85.

Sources: Laws, 1979, ch. 301, § 4 (intro), (d), eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984; 1980, ch. 312, § 37, eff from and after passage (approved March 21, 1980).

Editors Note—

The provisions relating to the state board of public contractors (sections 31-3-1 et seq.) were reenacted by Laws 1980, ch. 498 and shall be repealed as of December 31, 1988.

§ 5-9-11. Governmental units phasing out operations on July 1, 1983.

The governmental units set forth in this section shall begin to phase out their operations on July 1, 1983, and the code sections set forth in sections 63-17-107, 69-21-127, 73-1-45, 73-2-27, 73-3-401, 73-5-45, 73-6-33, 73-7-63, 73-9-67, 73-11-33, 73-13-99, 73-14-49, 73-15-37, 73-17-17, 73-19-31, 73-21-69, 73-33-19, 73-36-37 and 75-75-125, Mississippi Code of 1972, or other authority relating to such governmental units, shall be repealed or rescinded in their entirety the following December 31:

(1) Mississippi State Board of Public Accountancy as authorized by section 73-33-3, Mississippi Code of 1972.

(2) State Board of Agricultural Aviation as authorized by section 69-21-107. Mississippi Code of 1972.

(3) State Board of Architecture as authorized by section 73-1-5, Mississippi Code of 1972.

(4) Advisory Committee to the State Board of Architecture as authorized by section 73-2-13, Mississippi Code of 1972.

(5) Mississippi Athletic Commission as authorized by section 75-75-103, Mississippi Code of 1972.

(6) Board of Bar Admissions as authorized by section 73-3-1, Mississippi Code of 1972.

(7) State Board of Bar Commissioners as authorized by section 73-3-107, Mississippi Code of 1972.

(8) Board of Barber Examiners as authorized by section 73-5-1, Mississippi Code of 1972.

(9) State Board of Chiropractic Examiners as authorized by section 73-6-3, Mississippi Code of 1972.

(10) State Board of Cosmetology as authorized by section 73-7-1, Mississippi Code of 1972.

(11) Mississippi State Board of Dental Examiners as authorized by section 73-9-7, Mississippi Code of 1972.

(12) State Board of Embalming as authorized by section 73-11-1, Mississippi Code of 1972.

(13) State Board of Registration for Professional Engineers and Land Surveyors as authorized by section 73-13-5, Mississippi Code of 1972.

(14) Board of Registration for Foresters as authorized by section 73-36-9, Mississippi Code of 1972.

(15) Mississippi Council of Advisors of Hearing Aid Dealers and/or Dispensers as authorized by section 73-14-9, Mississippi Code of 1972.

(16) Mississippi Motor Vehicle Commission as authorized by section 63-17-57, Mississippi Code of 1972.

(17) Mississippi Board of Nursing as authorized by section 73-15-9, Mississippi Code of 1972.

(18) Mississippi State Board of Nursing Home Administrators as authorized by section 73-17-7, Mississippi Code of 1972.

(19) State Board of Optometry as authorized by section 73-19-7, Mississippi Code of 1972.

(20) State Board of Pharmacy as authorized by section 73-21-9, Mississippi Code of 1972.

Sources: Laws, 1979, ch. 301, §§4 (intro), (a); ch. 357, §1, eff from and after passage (approved March 9, 1979), and shall stand repealed from and after December 31, 1984.

§5-9-13. Executive orders establishing governmental units enacted into statutory law.

(1) Executive orders issued by governors after the effective date of this chapter which establish, or have the effect of establishing, a governmental unit shall be terminated unless they are enacted into statutory law in the following manner. If such a governmental unit is established while the legislature is in regular session and more than thirty (30) days prior to the scheduled adjournment of that session, it must be enacted into statutory law by the scheduled date of adjournment or else it is terminated on that date by operation of law. In the event such a governmental unit is established while the legislature is in session but less than thirty (30) days before scheduled adjournment or if such a governmental unit is created while the legislature is not in session, then it must be enacted into statutory law by the date of adjournment of the next regular session of the legislature or else it is terminated on that date by operation of law.

(2) The legislature may establish a governmental unit by statute as it was created in the executive order or it may enact such changes in the status, powers or jurisdiction of the governmental unit as it may deem necessary and proper.

(3) No governmental unit created by executive order shall incur any obligations, financial or otherwise, or enter into any contracts or other commitments which extend beyond the date of adjournment of the legislative session in which the agency must be enacted into statutory law to avoid termination.

(4) Failure of the governmental unit to be enacted into statutory law shall not invalidate any act done by any officer or employee thereof if the act is otherwise lawful and has been fully executed prior to the date of termination.

(5) No power, duty or authority of any governmental unit which fails to be enacted into statutory law as required by this section shall be transferred in any manner other than by legislative enactment to any existing agency, nor shall any such power, duty or authority be allocated to any successor governmental unit in any manner other than by legislative enactment. No funds shall be appropriated to or otherwise made available from any source whatsoever to a governmental unit created by executive order which was not enacted into statutory law as provided in this section.

(6) A governmental unit created by executive order after the effective date of this chapter shall not duplicate the functions of other governmental units created by statute.

Sources: Laws, 1979, ch. 301, § 5, eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979).

§ 5-9-15. Continuation of life of governmental units—phasing out period.

(1) The life of any governmental unit scheduled for termination under this chapter may be continued by the legislature for a period not to exceed eight (8) years. Any newly created governmental unit shall have a life not to exceed eight (8) years and shall be subject to the provisions of this chapter.

(2) A governmental unit shall begin phase out operations on July 1 if the legislature has not continued or modified it. A governmental unit must phase out its operations as soon as possible, but the phase out period cannot extend beyond the termination day of December 31. The fact that a unit has begun phase operations shall not reduce or otherwise limit the powers or authority of the governmental unit to wind down those programs and activities being conducted at the beginning of the phase out period, but the unit cannot initate any new programs or activities during its phase out period. Not later than December 31 of the calendar year in which an agency is terminated, the governmental unit shall cease all activities, and all unexpended funds in any general or special fund shall revert to the general fund, unless otherwise provided by the legislature. On said December 31, the code sections set forth in sections 31-3-25, 41-3-30, 53-1-201, 63-17-107, 69-21-127, 71-3-113, 73-1-45, 73-2-27, 73-3-401, 73-5-45, 73-6-33, 73-7-63, 73-9-67, 73-11-33, 73-13-99, 73-14-49, 73-15-37, 73-17-17, 73-19-31, 73-21-69, 73-23-27, 73-29-491, 73-31-31, 73-33-19, 73-35-37, 73-36-37, 73-37-27, 73-38-37, 73-39-39, 75-75-125, 77-1-51, 81-1-54, 81-3-14, 81-12-209, 81-13-77, 83-1-41, 83-3-301, or other authority of this chapter relating to each unit being phased out shall stand repealed or rescinded. Unless otherwise provided by law, all records, reports, files, papers and other materials or a terminated unit shall be deposited with the secretary of state for custodial retention.

Sources: Laws. 1979, ch. 301, § 6, eff from and after passage (Governor's veto overriden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-17. Reviewing committees—assignment of governmental units—joint meetings.

(1) By the final day of the regular session preceding the year in which governmental units are to be reviewed, the lieutenant governor and the speaker of the house of representatives shall assign each governmental unit to one of the existing standing committees of their respective houses which shall initially consider the termination, continuation or modification of the governmental units. Each of the governmental units shall be assigned, if practicable, to the legislative committee which has usual jurisdiction over the affairs of that governmental unit. A committee chairman may appoint subcommittees to discharge the duties of the committee; however, the recommendations to the legislature and the governor concerning each governmental unit shall be made by the full committee.

(2) The reviewing committees of the two (2) houses, or subcommittees thereof, which will review the same governmental units, may meet jointly to discharge some of all of their duties. In the event that the reviewing committees, or subcommittees thereof,

vote to meet jointly, then the membership of both committees, or subcommittees thereof, as the case may be, shall elect a chairman and a vice-chairman. To win election, a nominee must received the vote of a majority of the members of each house serving on the committee or the subcommittee, as the case may be.

Sources: Laws, 1979, ch. 301, § 3, eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-19. Reviewing committees—public hearings—information provided by governmental units.

After assignment of the governmental units to committees by the lieutenant governor and the speaker of the house, and prior to the regular session at which termination, continuation or modification of any such governmental unit is considered, the reviewing committees, meeting separately or jointly, shall hold public hearings to receive testimony from the public and the governmental unit involved. The reviewing committee shall give reasonable public notice of the time and location of the public hearing. At the hearing the governmental unit shall have the burden of demonstrating a public need for its continued existence. All governmental units shall provide each committee with the following information:

(a) The identity of all sub-units under the direct or advisory control of the unit under review:

(b) All powers, duties and functions currently performed by the unit under review;

(c) All constitutional, statutory, or other authority under which said powers, duties and functions of the unit are carried out;

(d) Any powers, duties or functions which, in the opinion of the unit under review, are being performed and duplicated by another unit within the state including the manner in which, and the extent to which, this duplication of efforts is occurring and any recommendations as to eliminating the duplication;

(e) Any powers, duties or functions which, in the opinion of the unit under review, ar inconsistent with current and projected public needs and which should be terminated or altered; and

(f) Any other information which a reviewing committee in its discretion, feels is necessary and proper in carrying out its review and evaluative duties.

Souces: Laws, 1979, ch. 301 § 7, eff form and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-21. Reviewing committees—criteria for determination of continued existence of governmental unit.

A reviewing committee in making a determination as to whether a governmental unit has demonstrated a public need for its continued existence shall take into consideration, among others, the following factors:

(a) The extent to which any information required to be furnished to the reviewing committee pursuant to section 5-9-19 has been omitted, misstated, or refused, and the extent to which conclusions reasonably drawn from said information is adverse to the legislative intent inherent in the powers, duties and functions as established in the enabling legislation creating said agency, or is inconsistent with present or projected public demands or needs;

(b) An examination of the extent to which the objectives of the governmental unit under review have been achieved when compared to the objectives initially set forth for the governmental unit under review and an analysis of any significant variance between projected and actual performance;

(c) The extent to which the governmental unit has operated in the public interest and the extent to which its operation has been impeded or enhanced by existing statutes, procedures and practices and any other circumstances, including budgetary, resource and personnel matters;

(d) The extent to which the governmental unit has recommended statutory changes to the legislature which would benefit the public as opposed to the governmental unit;

(e) An identification of other governmental units, or other programs or activities of the state government having the same or similar objectives, along with a comparison of the cost of effectiveness of such governmental units, programs or activities and any duplication of the governmental unit under review;

(f) A statement of the objectives of the governmental unit for the coming eight (8) years with the establishment of measurements of performance where feasible;

(g) The extent to which the governmental unit has encouraged participation by the public in making its rules and decisions as opposed to participation solely by its constituency;

(h) The efficiency with which formal public complaints filed with the governmental unit concerning matters subject to its jurisdiction have been processed to completion by the governmental unit;

(i) The extent to which changes are necessary in the enabling laws of the governmental unit to adequately comply with the factors listed in this subsection;

(j) The extent to which operation has been efficient and responsive to public needs;

(k) The extent to which it has been encouraged that persons regulated report to the governmental unit concerning the impact of rules decisions regarding improved service, economy of service or availabililty of service to the public;

(l) The extent to which the governmental unit has permitted qualified applicants to serve the public;

(m) The extent to which requirements of state and federal statutes and constitutions have been complied with by the governmental unit or the industry it regulates, or the constituency it serves;

(n) Any other relevant criteria which a reviewing committee, in its discretion, deems necessary and proper in reviewing and evaluating the sufficient public need for continuance of the respective governmental unit.

Sources: Laws, 1979, ch. 301, § 8, eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-23. Reviewing committees—direction of inquiry.

A reviewing committee's inquiry, using the factors mentioned in section 5-9-21, among others, shall be directed toward discovering a means of accomplishing the following:

(a) The reestablishing of viable, active governmental units for efficient delivery of services to the public;

(b) The reorganization of state government;

(c) The elimination of inactive governmental units;

(d) The elimination of governmental units which duplicate other governmental units or other governmental programs and activities, or an appropriate consolidation of them; and

(e) The elimination of inefficient, unnecessary or ineffective governmental units.

Sources: Laws, 1979, ch. 301, § 9, eff from and after passage (Governor's veto overriden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-25. Reviewing committees—information furnished by committee on performance evaluation and expenditure review.

A reviewing committee may request the committee on performance evaluation and expenditure review to compile pertinent information about a governmental unit. If necessary, a reviewing committee may also request a performance evaluation of a governmental unit under review.

Sources: Laws, 1979, ch. 301, § 10, eff from and after passage (Governor's veto overriden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-27. Reviewing committees—recommendations.

(1) A reviewing committee shall submit its report to the legislature and the governor by November 15 before the ensuing regular legislative session.

(2) A reviewing committee shall recommend termination, continuation or modification, including any proposals for reorganization, consolidation or transfer of duties, of the unit to another unit, and shall submit a report of its recommendations to the legislature. If a reviewing committee finds that a governmental unit should terminate as scheduled, then the committee's report shall include proposed legislation, which may be necessary, if any, to conform related laws to the termination of that governmental unit. If a reviewing committee finds that a governmental unit shall be continued or modified, then the reviewing committee's report shall include proposed legislation necessary to accomplish continuation or modification.

(3) No recommendation of any joint reviewing committee or reviewing subcommittee shall be submitted in the report unless the recommendation is approved by the majority of the members of each house serving on the reviewing committee.

(4) The legislature may vote to continue or modify the unit, and unless the legislature shall vote to continue or modify the unit, it shall begin phase out operations on the date set forth in sections 5-9-5, 5-9-7, 5-9-9, and 5-9-11, and the code sections set forth in sections 31-3-25, 41-3-30, 53-1-201, 63-17-107, 69-21-127, 71-3-113, 73-1-45, 73-2-27, 73-3-401, 73-5-45, 73-6-33, 73-7-63, 73-9-67,

73-11-33, 73-13-99, 73-14-49, 73-15-37, 73-17-17, 73-19-31, 73-21-69, 73-23-27, 73-29-49, 73-31-31, 73-33-19, 73-35-37, 73-36-37, 73-37-27, 73-38-37, 73-39-39, 75-75-125, 77-1-51, 81-1-54, 81-3-14, 81-12-209, 81-13-77, 83-1-41, 83-3-301 or other authority relating to such governmental unit shall stand repealed or rescinded on December 31 of that year.

Sources: Laws, 1979, ch. 301, § 11, eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-29. Vote of legislature—special sunset calendar.

(1) It is the intent of the legislature that the full membership of each house of the legislature should have the opportunity to vote on a bill providing for the continuation, modification, termination, consolidation or reorganization of governmental units that are subject to the provisions of this chapter and are scheduled for termination on December 31 of the calendar year in which the legislature is then meeting.

(2) If senate rules, house rules and joint rules permit, when such a bill is reported out of a committee, whether favorably or unfavorably, it shall be placed on a special sunset calendar, which shall have precedence over the general calendar, and any member may call a bill from the sunset calendar for consideration before his house.

Sources: Laws, 1979, ch. 301, § 12, eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-31. Funding of governmental unit after applicable termination date.

No funds shall be appropriated or otherwise made available from any source whatsoever to any governmental unit after the applicable termination date of such governmental unit unless it has been continued or reestablished in accordance with the procedure set forth in this chapter.

Sources: Laws, 1979, ch. 301, § 13, eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-33. Bills continuing or reestablishing governmental units.

No more than one (1) governmental unit shall be continued or reestablished in any bill and this governmental unit shall be mentioned in the title of the bill, but this limitation shall not prevent nor prohibit consolidation of two (2) or more governmental units or parts of governmental units into a new unit.

Sources: Laws, 1979, ch. 301, § 14, eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

§ 5-9-35. Exclusions—subsequent statutes—prior ordinances, rules and the like.

(1) Nothing in this chapter shall be construed to effect the termination or dismissal of any claim or right of a citizen against any governmental unit terminated by the provisions of this chapter, nor to effect the termination or dismissal of any claim or right of

the governmental unit. Such claims and rights shall be assumed by the State of Mississippi or any successor governmental unit.

(2) No provision of this chapter shall be construed to prohibit the legislature from terminating a unit covered by these provisions on a date earlier than that provided herein, nor to prohibit the legislature from considering any other legislation relative to such a unit.

(3) The provisions of this chapter do not apply to retirement systems, nor shall this chapter, or any provision thereof, be construed to abolish, diminish, or otherwise affect any retirement system or any retirement benefits being received by any participant in the retirement system.

(4) Notwithstanding any other provisions of this chapter to the contrary, no unit which has bonds outstanding shall be abolished unless provision is made for the payment of principal and interest of said bonds at or before maturity or for the assumption of such indebtedndss by the state or any governmental unit or subdivision thereof.

(5) Any statute which becomes law subsequent to the effective date of this chapter which creates, continues or modifies a governmental unit must contain a termination date for that unit, no more than eight (8) years from the date of creation of the unit. Thereafter, such a unit may only be continued according to the provisions of this chapter.

(6) All orders, determinations, rules, regulations, permits, certificates, licenses, contracts, rates and privileges which have been issued, made, granted or allowed to become effective by a governmental unit abolished pursuant to this chapter which are in effect at the time this chapter takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside or repealed by the successor unit or by any court of competent jurisdiction, or by operation of law.

Sources: Laws, 1979, ch. 301, § 15, eff from and after passage (Governor's veto overridden by Legislature on January 3, 1979), and shall stand repealed from and after December 31, 1984.

Cross references—

As to exemption of the Wavelands Regional Wastewater Management District from the agency review law, see § 49-17-171.

As to exemption of the Mississippi Gulf Coast Regional Wastewater Authority from the agency review law, see § 49-17-311.

MONTANA

LEGISLATIVE REVIEW

Mont. Rev. Codes Ann. § 2-8-101 et seq. (1979)

CHAPTER 8.—LEGISLATIVE REVIEW

PART 1.—PERIODIC AGENCY EVALUATION

Sec.
2-8-101. Purpose.
2-8-102. Definitions.
2-8-103. Agencies to terminate.
2-8-104. Termination of future regulatory agencies.
Sections 2-8-105 through 2-8-110 reserved.
2-8-111. Prereview agency responsibilities.
2-8-112. Legislative audit committee review and report—review criteria.
2-8-113. Hearings by standing committee—criteria for termination.
Sections 2-8-114 through 2-8-120 reserved.
2-8-121. Effect of termination.
2-8-122. Reestablishment.

PART 1.—PERIODIC AGENCY EVALUATION

2-8-101. Purpose. (1) The legislature finds state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules. The legislature questions whether conditions causing the establishment of these agencies, programs, and rules have not changed to such an extent as to remove the need for some or all of the agencies, programs, and rules.

(2) It is the intent of the legislature, by establishing a system of periodic evaluation of the need for and the performance of agencies preparatory to termination, modification, or reestablishment, to be in a better position to ensure as follows:

(a) The executive department is responsive to the needs of all of the people of the state.

(b) No agency, program, or rule exists which is not responsive to those needs.

(c) No profession, occupation, business, industry, or other endeavor is subject to the state's regulatory power unless the exercise of such power is necessary to protect the public health, safety, or welfare from significant and discernible harm or damage. The exercise of the state's police power shall be done only to the extent necessary for that purpose.

(d) The state may not regulate a profession, occupation, industry, business, or other endeavor in a manner which will unreasonably adversely affect the competitive market.

(e) There exists a systematic legislative review of the need for and public benefits derived from a program or function which licenses or otherwise regulates a profession, occupation, business, industry, or other endeavor by a periodic review and termination, modification, or reestablishment of such programs and functions.

History: En. 82-4601 by Sec. 1, Ch. 562, L. 1977; R.C.M. 1947, 82-4601.

2-8-102. Definitions. As used in this part, the following definitions apply:

(1) "Agency means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive department of state government.

(2) "Performance audit" means an examination of the effectiveness of administration and its efficiency and adequacy in terms of the program of a state agency authorized by law to be performed and the conformance of expenditures with legislative intent. Audits conducted shall include an analysis of the operation of the agency with special regard to the duplication of efforts between the audited agency and other agencies and the quality of service being rendered.

History: En. 82-4602 by Sec. 2, Ch, 562, L. 1977; R.C.M. 1947, 82-4602.

2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;

(b) board of real estate, department of professional and occupational licensing, created by 2-15-1642;

(c) state board of warm air heating, ventilation, and air conditioning, department of professional and occupational licensing, created by 2-15-1656;

(d) board of institutions, department of institutions, created by 2-15-2303.

(2) The following agencies shall terminate on July 1, 1981:

(a) commission for human rights, department of labor and industry, created by 2-15-1706;

(b) board of athletics, department of professional and occupational licensing, created by 2-15-1661;

(c) board of barbers, department of professional and occupational licensing, created by 2-15-1625;

(d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613;

(e) board of cosmetologists, department of professional and occupational licensing, created by 2-15-1626;

(f) board of dentists, department of professional and occupational licensing, created by 2-15-1606;

(g) board of hearing aid dispensers, department of professional and occupational licensing, created by 2-15-1616;

(h) board of massage therapists, department of professional and occupational licensing, created by 2-15-1627;

(i) Montana state board of medical examiners, department of professional and occupational licensing, created by 2-15-1605;

(j) board of morticians, department of professional and occupational licensing, created by 2-15-1619;

(k) board of nursing, department of professional and occupational licensing, created by 2-15-1610;

(l) board of nursing home administrators, department of professional and occupational licensing, created by 2-15-1611;

(m) board of optometrists, department of professional and occupational licensing, created by 2-15-1612;

(n) board of osteopathic physicians, department of professional and occupational licensing, created by 2-15-1607;

(o) board of pharmacists, department of professional and occupational licensing, created by 2-15-1609;

(p) board of podiatry examiners, department of professional and occupational licensing, created by 2-15-1608;

(q) board of psychologists, department of professional and occupational licensing, created by 2-15-1617;

(r) board of radiologic technologists, department of professional and occupational licensing, created by 2-15-1614;

(s) board of speech pathologists and audiologists, department of professional and occupational licensing, created by 2-15-1615;

(t) board of veterinarians, department of professional and occupational licensing, created by 2-15-1618;

(u) board of veterans' affairs, department of social and rehabilitation services, created by 2-15-2202;

(v) board of sanitarians, department of professional and occupational licensing, created by 2-15-1631.

(3) The following units of state government shall terminate on July 1, 1983:

(a) board of aeronautics, department of community affairs, created by 2-15-1103;

(b) state board of hail insurance, department of agriculture, created by 2-15-3003;

(c) board of horse racing, department of professional and occupational licensing, created by 2-15-1662;

(d) board of livestock, department of livestock, created by 2-15-3102;

(e) board of milk control, department of business regulation, created by 2-15-1802;

(f) board of oil and gas conservation, department of natural resources and conservation, created by 2-15-3303;

(g) Montana outfitters council, department of fish, wildlife, and parks, created by 2-15-3403;

(h) public service commission, department of public service regulation, created by 69-1-102;

(i) board of water and wastewater operators, department of health and environmental sciences, created by 2-15-2105;

(j) board of water well contractors, department of professional and occupational licensing, created by 2-15-1632.

(4) The following agencies terminate on July 1, 1985:

(a) the board of public accountants, created by 2-15-1641;

(b) the board of architects, created by 2-15-1651;

(c) state banking board, department of business regulation, created by 2-15-1803;

(d) the state electrical board, created by 2-15-1654;

(e) the board of professional engineers and land surveyors, created by 2-15-1653;

(f) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;

(g) office of the securities commissioner, state auditor's office, created by 2-15-1901;

(h) the board of landscape architects, created by 2-15-1652;

(i) the board of county printing, created by 2-15-1102;

(j) the board of plumbers, created by 2-15-1655;

(k) board of physical therapy examiners, created by 2-15-1628.

History: En. 82-4603 by Sec. 3, Ch. 562, L. 1977; R.C.M. 1947, 82-4603; amd. Sec. 2, Ch. 218, L. 1979; amd Sec. 2, Ch. 321, L. 1979; amd. Sec. 2, Ch. 325, L. 1979; amd. Sec. 8, Ch. 351, L. 1979; amd. Sec. 2, Ch. 364, L. 1979; amd. Sec. 2, Ch. 388, L. 1979; amd. Sec. 2, Ch. 408, L. 1979; amd. Sec. 2, Ch. 439, L. 1979; amd. Sec. 1, Ch. 462, L. 1979; amd. Sec. 2, Ch. 491, L. 1979; amd. Sec. 2, Ch. 546, L. 1979; amd. Sec. 2, Ch. 549, L. 1979; amd. Sec. 2, Ch. 655, L. 1979; amd. Sec. 2, Ch. 684, L. 1979.

Compiler's Comments

Effective dates. (1) Sec. 13, Ch. 325, L. 1979, provided: "Sections 1 and 2 are effective on passage and approval." Ch. 325 reestablished the board of landscape architects and was approved March 26, 1979.

(2) Sec. 27, Ch. 684, L. 1979, provided: "Sections 1 and 2 are effective on passage and approval." Ch. 684 reestablished the board of public accountants and was approved May 9, 1979.

Commissioner correction. The board of public accountants, the board of architects, the state electrical board, and the board of professional engineers and land surveyors were reestablished for a period of six years by Ch. 684, Ch. 388, Ch. 546, and Ch. 408, L. 1979, respectively. The code commissioner added reference to these boards to subsection (4) for consistency with other boards of offices reestablished for six years, to reflect the intent of the chapters reestablishing the boards, and to make the list in subsection (4) complete.

Subsection (4)(a) through (4)(k) were added by Ch. 684, Ch. 388, Ch. 321, Ch. 546, Ch. 408, Ch. 655, Ch. 439, Ch. 325, Ch. 364, Ch. 549, and Ch. 492, L. 1979, respectively. Grammatical changes were made in the lead-in of subsection (4) to accommodate reference to all the boards and offices in one list.

2-8-104. Termination of future regulatory agencies. Any agency or program created in part to regulate any profession, occupation, business, or other endeavor by law enacted after January 1, 1977, shall terminate on July 1 of the year of the third regular biennial legislative session following enactment of such law. Any such agency or program shall be reviewed as required in 2-8-111 through 2-8-122, and such review shall be completed prior to the convening of the third regular biennial legislative session following enactment of such law.

History: En. 82-4609 by Sec. 9, Ch. 562, L. 1977; R.C.M. 1947, 82-4609.

2-8-105 through 2-8-110 reserved.

2-8-111. Prereview agency responsibilities. An agency designated by 2-8-103 or 2-8-104 for termination shall by 22 months preceding the date set for termination:

(1) delineate goals of programs for which it is responsible, which goals reflect the state's constitution, statutes, and authoritative judicial legislative, and executive decisions or pronouncements;

(2) delineate objectives of programs and layout clearly enough to be tested, the logic in the assumptions linking expenditures to outcome anticipated, outcome anticipated to objectives, and objectives to impact on problems addressed in goals.

History: En. 82-4605 by Sec. 5, Ch. 562, L. 1977; R.C.M 1947, 82-4605.

2-8-112. Legislative audit committee review and report—review criteria. (1) The legislative audit committee is responsible for having conducted a review of each agency scheduled for termination by 2-8-103. The review shall be completed at least 6 months prior to the date set for termination.

(2) The review conducted shall include a performance audit of the agency and a thorough examination of the following:

(a) Would the absence of regulation significantly harm or endanger the public health, safety, or welfare?

(b) Is there a reasonable relationship between the exercise of the state's police power and the protection of the public health, safety, or welfare?

(c) Is there another less restrictive method of regulation available which could adequately protect the public?

(d) Does the regulation have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

(e) Is the increase in cost more harmful to the public than the harm which could result from the absence of regulation?

(f) Are all facets of the regulatory process designed solely for the purpose of and have as their primary effect the protection of the public?

(3) The legislative audit committee shall assist in the implementation of the provisions of this part and shall establish administrative procedures which facilitate the review and evaluation as required in this part.

(4) Upon completion of its review, the legislative audit committee shall make a report of its recommendations for continuation, modification, or termination and submit a proposed bill for the ensuing legislative session. If termination is recommended, the bill should repeal or otherwise deal with all statutes and parts of statutes for which the agency reviewed is responsible.

History: En. 82-4604 by Sec. 4, Ch. 562, L. 1977; R.C.M. 1947, 82-4604.

2-8-113. Hearings by standing committee—criteria for termination. (1) Prior to abolishment of an agency terminated by 2-8-103 or 2-8-104, the appropriate standing committee in each house of the legislature or a joint committee of both houses composed of members of the standing committee assigned to conduct the hearing shall hold a public hearing, receiving testimony from the public and the head of the department to which the agency involved is attached, the head of the agency involved, and persons who conducted the review.

(2) In the event termination is recommended by the legislative audit committee, the agency has the burden of demonstrating a public need for its continued existence and the extent to which a change in the composition, structure, and operation of the agency would increase the protection of the public health, safety, or welfare from harm or damage or decrease the adverse effect on the competitive market.

(3) In determining whether to reestablish an agency, the legislature shall consider the performance audit and review conducted by the legislative audit committee, the public testimony responsive to the questions set forth in subsection (2) of 2-8-112, and other matters considered relevant by the committee.

History: En. 82-4606 by Sec. 6, Ch. 562, L. 1977; R.C.M. 1947, 82-4606.

2-8-114 through 2-8-120 reserved.

2-8-121. Effect of termination. Unless otherwise provided, upon termination, each agency or unit shall continue in existence until July 1 of the next succeeding year for the purpose of winding up its affairs. During the windup period, termination does not reduce or otherwise limit the powers or authority of each respective agency except that no action may be taken which would continue in effect beyond the 1-year windup period. Upon the expiration of the 1 year after termination, each agency not modified or reestablished shall be abolished and all unexpended balances of appropriations, allocatins, or other funds shall revert to the fund from which they were appropriated or, if that fund is abolished, to the general fund.

History: En. 82-4607 by Sec. 7, Ch. 562, L. 1977; R.C.M. 1947, 82-4607; amd. Sec. 2, Ch. 497, L. 1979.

2-8-122. Reestablishment. (1) Any agency scheduled for termination under this part or any subsequent act may be reestablished by the legislature for any period of time specified by law, not to exceed 6 years, at the end of which time the legislature shall again review the agency pursuant to 2-8-112 and may again reestablish, modify, or allow the termination of the agency pursuant to this section.

(2) No more than one agency may be continued or reestablished in any bill for an act and the agency shall be mentioned in the bill's title.

History: En. 82-4608 by Sec. 8, Ch. 562, L. 1977; R.C.M. 1947, 82-4608.

NEBRASKA

TERMINATION OF AGENCIES, BOARDS AND COMMISSIONS

Neb. Rev. Stat. Ann. § 81-192 et seq. (1978 Cum. Supp.)

(g) TERMINATION OF AGENCIES, BOARDS, AND COMMISSIONS

81-192. Legislative findings. The Legislature finds that state govenment actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations, which has developed without sufficient legislative oversight, regulatory accountability, or a system of checks and balances. The Legislature declares it to be the purpose of sections 81-192 to 81-1,105 to establish a continuing appraisal process designed to evaluate the need for the continuted existence of existing the future regulatory bodies and to make such regulatory bodies accountable to the Legislature and to the public.

Source: Laws 1977, LB 257, §1. Effective date September 2, 1977. Terminates July 2, 1983.

81-193. Repealed. Laws 1978, LB 569, §14.

81-194. Agencies, boards, or commissions; termination on July 1, 1979. The following agencies, boards, or commissions shall terminate on July 1, 1979:

(1) State Anatomical Board, created by section 71-1001;

(2) Board of Examiners in Embalming, created by sections 71-111 and 71-112;

(3) Board of Examiners in Physical Therapy, created by sections 71-111 and 71-112;

(4) Board of Examiners in Veterinary Medicine, created by sections 71-111 and 71-112; and

(5) State Office of Planning and Programming, created by section 84-133.

Source: Laws 1977, LB 257, §3. Effective date September 2, 1977. Terminates July 2, 1983.

81-195. Agencies, boards, or commissions; termination on July 1, 1980. The following agencies, boards, or commissions shall terminate on July 1, 1980;

(1) Nebraska Brand Committee, created by section 54-135;

(2) Commission of Fire Fighting Personnel Standards and Education, created by section 35-701;

(3) Nebraska Oil and Gas Conservation Commission, created by section 57-904;

(4) Nebraska Motor Vehicle Industry Licensing Board, created by section 60-1402;

(5) State Racing Commission, created by section 2-1201;

(6) State Athletic Commissioner, created by section 81-8,128; and

(7) Department of Revenue, created by section 77-340.

Source: Laws 1977, LB 257, §4. Effective date September 2, 1977. Terminates July 2, 1983.

81-196. Agencies, boards, or commissions; termination on July 1, 1981. The following agencies, boards, or commissions shall terminate on July 1, 1981:

(1) Board of Examiners in Medicine and Surgery, created by sections 71-111 and 71-112;

(2) Board of Examiners in Optometry, created by sections 71-111 and 71-112;

(3) Board of Examiners in Osteopathy, created by sections 71-111 and 71-112;

(4) Board of Examiners in Podiatry, created by sections 71-111 and 71-112; and

(5) Department of Administrative Services, created by section 81-1103.

Source: Laws 1977, LB 257, §5. Effective date September 2, 1977. Terminates July 2, 1983.

81-197. Agencies, boards, or commissions; termination on July 1, 1982. The following agencies, boards, or commissions shall terminate on July 1, 1982:

(1) Board of Examiners in Chiropractic, created by sections 71-111 and 71-112;

(2) Board of Examiners in Dentistry, created by sections 71-111 and 71-112;

(3) State Board of Examiners of Psychologists, created by section 71-3803;

(4) Board of Nursing, created by section 71-1,132.07; and

(5) Board of Examiners in Pharmacy, created by sections 71-111 and 71-112.

Source: Laws 1977, LB 257, § 6. Effective date September 2, 1977. Terminates July 2, 1983.

81-198. Agencies, boards, or commissions; termination on July 1, 1983. The following agencies, boards, or commissions shall terminate on July 1, 1983:

(1) State Board of Landscape Architects, created by section 81-8,186;

(2) Abstracters Board of Examiners, created by section 76-511;

(3) State Real Estate Commission, created by section 81-885.07;

(4) Nebraska State Board of Public Accountancy, created by section 1-107;

(5) State Board of Examiners for Professional Engineers and Architects, created by section 81-841;

(6) Nebraska Collection Agency Board, created by section 81-8,160;

(7) State Board of Examiners for Land Surveyors, created by section 81-8,110; and

(8) The Nebraska Accountability and Disclosure Commission, created by section 49-14,105.

Source: Laws 1977, LB 257, § 7. Effective date September 2, 1977. Terminates July 2, 1983.

81-199. Agency, board, or commission; termination; cease activities; when. Upon termination, each agency, board, or commission shall continue in existence until July 1 of the next succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of each respective agency. Upon the expiration of the one year after termination, each respective agency shall cease all activities.

Source: Laws 1977, LB 257, § 8. Effective date September 2, 1977. Terminates July 2, 1983.

81-1,100. Agency, board, or commission; continued or reestablished; duration; members; how affected. (1) Any agency, board, or commission scheduled for termination under sections 81-192, to 81-1,105 may be continued by reenacting the original enabling legislation, or may be reestablished by enacting new legislation. Any newly created or continued or reestablished regulatory agency, board, or commission shall have a life not to exceed six years and shall be subject to the provisions of sections 81-192 to 81-1,105.

(2) Any member of an agency, board, or commission that is reenacted pursuant to sections 81-192 to 81-1,105 shall continue to hold office for the term for which the member was appointed unless the law reenacting the board provides the contrary.

Source: Laws 1977, LB 257, § 9. Effective date September 2, 1977. Terminates July 2, 1983.

81-1,101. Performance Review and Audit Committee; performance review of each agency, board, or commission scheduled for termination; procedure; report. (1) The Performance Review and Audit Committee shall cause a performance review to be conducted for each agency, board, or commission scheduled for termination under sections 81-192 to 81-1,105. The performance review shall be completed at least by October 1 in the year prior to the termination date established by sections 81-192 to 81-1,105 for each agency, board, or commission. In conducting the review, the Performance Review and Audit Committee shall take into consideration, but not be limited to considering, the factors listed in this section. A copy of the review report shall be made available to the general public and to each member of the Legislature.

(2) The performance review shall include a discussion of the extent to which:

(a) The absence of regulation would significantly harm or endanger the public health, safety, or welfare;

(b) There is a reasonable relationship between the exercise of the state's police power and the public health, safety, or welfare;

(c) There are less restrictive methods, and alternative methods, of regulation available which could better serve or adequately protect the public;

(d) The regulation has had the effect of directly or indirectly increasing the costs of any goods or services involved, and, if it has had such effect, the extent of increased costs;

(e) The increase in cost has been more harmful to the public than the harm which could result from the absence of regulation;

(f) The regulation, and all facets of the regulatory process, are designed to have, and have had, as the primary effect, the protection of the public as opposed to the enhancement of any occupation, profession, or economic interest group;

(g) The public would benefit from a consolidation of regulatory functions;

(h) Outdated, overlapping, or conflicting regulatory requirements unnecessarily overburden regulated industries or individuals;

(i) The statutory mandate of the agency establishes clear policy goals, and the agency complies with the statutory mandate;

(j) The agency is given budget and staff resources and enforcement authority adequate to carry out its statutory mandate;

(k) The agency has operated in an open and accountable manner, with public access to records and meetings and safeguards against conflicts of interest and undue lobbying pressures;

(l) The agency gathers and maintains information about its activities and the activities of regulated individuals and interests sufficient to give the Legislature the capacity to evaluate the success of the regulation;

(m) The agency, Board, or commission has permitted qualified applicants to serve the public and has not unduly restricted access to any profession or occupation;

(n) Equal employment requirements of state and federal statutes and constitutions have been complied with by the agency or the industry it regulates;

(o) The agency, board, or commission has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, practices, and any other circumstances, including budgetary, resource, and personnel matters;

(p) The agency has recommended statutory changes to the Legislature which would benefit the public as opposed to the persons it regulates;

(q) The agency has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency on the public regarding improved service, economy of service, and availability of service;

(r) Persons regulated by the agency have been required to assess problems in their industry which affect the public;

(s) The agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates;

(t) Formal public complaints filed with the agency, board, or commission concerning persons subject to regulation have been efficiently processed to completion by the agency, board, or commission, by the Department of Justice, and by any other applicable department of state government; and

(u) Changes are necessary in the enabling laws of the agency to adequately comply with the factors listed in this section.

Source: Laws 1977, LB 257, § 10. Effective date September 2, 1977. Terminates July 2, 1983.

81-1,102. Performance review report; referred to legislative standing committee; hearing; recommendation. (1) Before the first day of November in the year prior to the termination date, the

Executive Board of the Legislative Council shall refer each performance review report completed pursuant to section 81-1,101 to an appropriate legislative standing committee. The standing committee shall, within forty-five days of receipt of the performance review, hold a public hearing to receive testimony from the public and the agency involved regarding the performance review prepared under the auspices of the Performance Review and Audit Committee.

(2) In such hearings, the determination as to whether an agency shall be continued shall take into consideration, but not be limited to, the factors set out in section 81-1,101. The standing committee holding the hearing shall report to the Legislature regarding its recommendation to reenact, reenact with changes, repeal, or allow to terminate the agency, board, or commission under consideration. This report shall be accompanied by a bill to effect such recommendation.

Source: Laws 1977, LB 257, § 11. Effective date September 2, 1977. Terminates July 2, 1983.

81-103. Agency, board, or commission; continued or reestablished. Not more than one such agency, board, or commission shall be continued or reestablished in any one legislative bill, and such agency, board, or commission shall be mentioned in the title.

Source: Laws 1977, LB 257, § 12. Effective date September 2, 1977. Terminates July 2, 1983.

81-1,104. Terminated agency; claim or right of a person or an agency; how treated. The provisions of sections 81-192 to 81-1,105 shall not cause the dismissal of any claim or right of a person against any such agency or any claim or right of an agency which has been terminated pursuant to sections 81-192 to 81-1,105 and which is subject to litigation. Such claims and rights shall be assumed by the Department of Justice. Nothing in sections 81-192 to 81-1,105 shall interfere with the Legislature otherwise considering legislation in any agency, board, or commission.

Source: Laws 1977, LB 257, § 13. Effective date September 2, 1977. Terminates July 2, 1983.

81-1,105. Act; termination, date. Sections 81-192 to 81-1,105 shall terminate on July 2, 1983, and each section shall be repealed in its entirety along with all amendments, unless reenacted or reestablished by the Legislature.

Source: Laws 1977, LB 257, § 14. Effective date September 2, 1977. Terminates July 2, 1983.

NEVADA

LEGISLATIVE REVIEW OF PUBLIC AGENCIES

Nev. Rev. Stat. § 232B.010 et seq. (1979)

CHAPTER 232B.—LEGISLATIVE REVIEW OF PUBLIC AGENCIES

232B.010 "Agency" defined.
232B.020 Legislative findings.
232B.030 Termination of agency: Winding up affairs; limitation upon contracts; disposal of property, assets, liabilities.
232B.040 Review of agencies by legislative commission: Appointment of committees, subcommittees; report to legislature.
232B.050 Review of agencies by legislative commission: Time; hearings; determinations.
232B.060 Review of agencies by legislative commission: Sources of information; reports of legislative counsel bureau; burden of proof.

232B.010 "Agency" defined. As used in this chapter, unless the context otherwise requires, "agency" means any public agency which the legislature has designated to be the subject of a review by the legislative commission.

(Added to NRS by 1979, 1838)

232B.020 Legislative findings. The legislature finds that:

1. There has been a substantial increase in the number of agencies within state government, and a corresponding growth of administrative programs and regulations.

2. The proliferation of agencies, programs and regulations has occurred without sufficient accountability for the programs and regulations by the agencies or review by the legislature.

3. By establishing a method of terminating, continuing or reestablishing agencies in state government, the legislature will be able to evaluate the need for continuing present agencies or creating new agencies.

(Added to NRS by 1979, 1838)

232B.030 Termination of agency: Winding up affairs; limitation upon contracts; disposal of property, assets, liabilities.

1. An agency may continue in existence until July 1 of the year immediately succeeding the effective date of its termination for the purpose of winding up its affairs, unless the agency has been consolidated with another.

2. The powers and duties of an agency are not abrogated or otherwise limited during the period between its termination and the following July 1, but no agency may enter into or let any contract, the performance of which extends beyond July 1 of the year immediately following the year in which it is terminated.

3. The director of the department of general services is responsible for disposing of any property of a terminated agency. All assets and liabilities of an agency which has been consolidated with another must be taken over by the successor agency. Money in the state treasury which is held in a special fund for an agency which has been terminated reverts to the state general fund on July 1 of the year immediately following the year in which the agency was terminated.

(Added to NRS by 1979, 1838)

232B.040 Review of agencies by legislative commission: Appointment to committees, subcommittees; report to legislature.

1. The legislative commission shall conduct the reviews of agencies directed by the legislature.

2. The legislative commission shall determine the membership and method of appointment of committees or subcommittees appointed to carry out the reviews.

3. The legislative commission shall transmit its review and recommendations to the legislature at the beginning of its next regular session.

(Added to NRS by 1979, 1839)

232B.050 Review of agencies by legislative commission: Time; hearings; determinations.

1. The legislative commission and the legislative counsel bureau shall conduct a review of the need for and the efficiency of each agency which is to be terminated, beginning on July 1 of the second year preceding the scheduled date of termination.

2. The legislative commission shall conduct public hearings for the purpose of obtaining comments on, and may require the legislative counsel bureau to submit reports on, the need for the continued operation of an agency, and its efficiency.

3. In conducting its review of any agency, the legislative commission shall determine whether the agency is:

(a) Complying with requirements for affirmative action.

(b) Operating in the pubic interest.

(c) Recommending statutory changes which will benefit the general public.

(d) Requiring reports to show the effect of its operations on the general public regarding improvement, economy and availability of service.

(e) Encouraging and permitting participation by the general public when it proposes regulations or adopts them.

(f) Disposing effectively with complaints filed with the agency.

4. As part of the consideration of each agency, the legislative commission shall include the agency's:

(a) Statement of its objective and programs.

(b) Conclusion concerning the effectiveness of its objectives and programs.

(c) Recommendations for statutory changes which are necessary for the agency to carry out its objectives and programs.

(d) Evaluation of its objectives and programs for the ensuing fiscal year.

5. In conducting its review of a regulatory agency, the legislative commission shall, after complying with the requirements of subsections 3 and 4, consider the need for the continued operation of the agency by obtaining answers to the following questions:

(a) Would the absence of regulation significantly harm or endanger the public health, safety or welfare?

(b) Is there a reasonable relationship between the exercise of the state's police power and the protection of the public health, safety or welfare?

(c) Is there another, less restrictive, method of regulation which could adequately protect the public?

(d) does regulation have the effect of directly or indirectly increasing the cost of any goods or services involved and, if so, to what degree?

(e) Is the increase in cost, if any, more harmful to the public than the harm which could result from the absence of regulation?

(f) Is the entire regulatory process designed solely for the purpose of, and does it have as its primary effect, the protection of the public?

6. If the legislative commission finds that the answers to questions about the need for the agency are generally affirmative, it shall determine whether the agency is operating efficiently by applying the following criteria:

(a) The agency has permitted qualified applicants to serve the public;

(b) Requirements of state and federal law for affirmative action have been met by the agency and the industry or profession which it regulates;

(c) The agency has operated in the public interest, and the extent to which its operation in the public interest has been impeded or aided by existing statutes and by other circumstances, including budget and personnel matters;

(d) The agency has recommended changes to the statutes which would benefit the public rather than the persons it regulates;

(e) The agency has required the persons whom it regulates to report the effect of regulations and decisions of the agency on the public, particularly regarding improvements in economy and quality of service;

(f) Persons regulated by the agency have been required to assess problems in the industry or profession which affect the public;

(g) The agency has encouraged participation by the public in making its regulations, as opposed to encouraging participation only by the persons it regulates; and

(h) The agency handles formal complaints from the public concerning persons subject to its regulation efficiently and with dispatch.

(Added to NRS by 1979, 1839)

232B.060 Review of agencies by legislative commission: Sources of information; reports of legislative counsel bureau; burden of proof.

1. At any hearing held to determine whether an agency should be terminated, consolidated with another agency or continued, information may be presented by:

(a) Members of the general public;

(b) Any person who is regulated by the agency; and

(c) Representatives of the agency.

2. The legislative commission shall consider any report submitted to it by the legislative counsel bureau.

3. An agency has the burden of proving that there is a public need for its continued existence or regulatory function.

(Added to NRS by 1979, 1840)

NEW HAMPSHIRE

JOINT LEGISLATIVE COMMITTEE ON REVIEW OF AGENCIES AND PROGRAMS

N.H. Rev. Stat. Ann. § 17-F:1 et seq. (1979 Supp.)

CHAPTER 17-F.—JOINT LEGISLATIVE COMMITTEE ON REVIEW OF AGENCIES AND PROGRAMS

17-F:1 Committee Established.
17-F:2 Membership.
17-F:3 Meetings and Compensation.
17-F:4 Duties.
17-F:5 Committee Sunset.
17-F:6 Assistants.

17-F:1 Committee Established. There is hereby established a joint legislative committee on review of agencies and programs.

Source. 1977, 436:1 eff. July 5, 1977.

Study authorized. 1977, 436: 4, eff. July 5, 1977, provided: "The joint legislative committee on review of agencies and programs, established under section one of this act [which added this chapter and RSA 17-G], is hereby authorized to undertake a study of the feasibility of applying zero-based budgeting concepts to the state budgetary process. The committee shall submit a report, detailing its findings and recommendations, to the speaker of the house and the president of the senate not later than January 31, 1978."

17-F:2 Membership. The committee shall consist of 10 members, 5 of whom shall be representatives, 3 appointed by the speaker of the house and 2 appointed by the house minority leader, and 5 of whom shall be senators, 3 appointed by the president of the senate and 2 appointed by the senate minority leader. Members shall be appointed for their term of office, provided that all members shall be eligible for reappointment so long as they are qualified under the provisions of this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for the unexpired term within 30 days of the creation of said vacancy, and the initial appointments under this act shall be made within 30 days of the effective date of this act. The members shall choose from their number a chairman, provided that the chairmanship shall rotate biennially between the house and senate members.

Source. 1977, 436: 1, eff. July 5, 1977.

17-F:3 Meetings and Compensation. The committee shall meet on a regular stated date monthly and at such other times as the chair may call. The members shall not be compensated but shall receive legislative mileage for their attendance at committee meetings.

Source. 1977, 436: 1, eff. July 5, 1977.

17-F:4 Duties. It shall be the duty of the committee to oversee the process of review of state agencies and programs as provided in RSA 17-G. The committee shall annually review the list of agencies and programs exempted from the sunset process by RSA 17-G:4, and shall recommend to the legislature any amendment to said section the committee deems necessary. In addition the committee shall conduct an ongoing review of legislative oversight procedures and make periodic reports of suggestions and recommendations in this regard to the speaker of the house and the president of the senate.

Source. 1977, 436:1, eff. July 5, 1977.

17-F:5 Committee Sunset. The committee itself shall terminate on July 1, 1987 and shall be subject to review by the appropriate standing legislative committee, as provided in RSA 17-G. This review shall, however, in no way preclude the ongoing review, by the committee, of the sunset process between the effective date of this chapter and July 1, 1987.

Source. 1977, 436:1, eff. July 5, 1977.

17-F:6 Assistants. The committee shall appoint and fix the compensation of such assistants as it needs to carry out its responsibilities and compensate them out of funds appropriated to the committee or out of funds appropriated to the general court as joint expenses. The committee is authorized to make such other expenditures as are necessary to carry out its duties under RSA 17-F and RSA 17-G.

Source. 1979, 74:8, eff. April 19, 1979.

CHAPTER 17-G.—LEGISLATIVE REVIEW OF STATE AGENCIES AND PROGRAMS

17-G:1 Popular Name.
17-G:2 Definitions.
17-G:3 Review Dates Established.
17-G:4 Exemptions.
17-G:5 Termination Schedule.
17-G:6 Committee Jurisdiction for Review.
17-G:7 Phasing Out of Agency.
17-G:8 Renewal Procedure.
17-G:9 Rights of Citizens and Employees.
17-G:10 Effect of Termination on Obligations.

17-G:1 Popular Name. This chapter may be referred to as the "New Hampshire Sunset Act."

Source. 1977, 436:1, eff. July 5, 1977.

17-G:2 Definitions. As used in this chapter:

I. "Calendar day" means every day of the week including Sunday.

II. Budget numbers and agency names are those set forth in Appendix A of the 1977-1978 Budget Manual issued by the office of budget and control, department of administration and control.

III. "Sunset committee" means the joint legislative committee on review of agencies and programs established pursuant to RSA 17-F. [Added 1979, 74:9, eff. April 19, 1979.]

Source. 1977, 436:1. 1979, 74:9, eff. April 19, 1979.
Amendments—1979. Paragraph III: Added.

17-G:3 Review Dates Established. The first review date for an agency or program is the termination date set forth in accordance with RSA 17-G: 5, I, and each subsequent review date for an agency or program is the date 6 years following the preceding review date, except for those agencies or programs designated in RSA 17-G:4 and 17-G:5, II.

Source. 1977, 436:1, 1979, 353:3, eff. July 1, 1979.

Amendments—1979. Substituted RSA "17-G:5, I" for "17-G:5" and added reference to "17-G:5, II" at the end of the section.

17-G:4 Exemptions. The provisions of this chapter shall not apply to the following state agencies and programs:

I. Offices or agencies required by provisions of the New Hampshire Constitution;

II. The Laconia state school and training center, the New Hampshire hospital, the New Hampshire home for the elderly, the state prison, the state library, the veteran's home and the youth development center;

III. The New Hampshire state retirement system.

Source. 1977, 436:1, eff. July 5, 1977.

Five exemptions from legislative review. The five exemptions from legislative review created by 1978, 58:1 were repealed by 1979, 434:23, eff. June 25, 1979.

Agencies created by executive order. 1979, 434:24, eff. June 25, 1979, provided: "Only those agencies which perform functions constitutionally entrusted to the governor shall be exempt from the provisions of RSA 17-G [this chapter] pursuant to RSA 17-G:4, I [paragraph I of this section]."

ANNOTATIONS

1. Non-exempt agencies

Agencies within the executive branch which have been created by general or special statute and which are contained in the operating budget are properly within the scope of the sunset process to the extent that neither the existence nor the funding of such agencies is deemed essential to the fulfillment of the governor's constitutional duties. Opinion of the Justices (1978) 118 NH 582, 392 A2d 125.

The Council on Energy, the New Hampshire Office of Employment and Training, the State Disaster Office, the Governor's Commission on Crime and Delinquency and the Coordinator of Drug Abuse are state agencies within the meaning of this chapter; however, those agencies created by Executive order to receive federal funds are exempt from the Act. Opinion of the Justices (1978) 118 NH 582, 392 A2d 125.

17-G:5 Termination Schedule.

I. Except as provided in RSA 17-G:4 and paragraph II of this section, all state agencies and programs shall be terminated no later than July 1, 1985. No later than January 1, 1978, the joint legislative committee on review of agencies and programs shall submit legislation establishing a termination schedule for all agencies and programs leading up to said deadline. Said legislation shall utilize budget numbers and agency names as defined under this chapter.

II. The program established for veterinary, medical and optometry students by RSA 200-J shall be reviewed in accordance with the provisions of this section except that such review shall be accomplished every 4 years rather than every 6 years. The program established by RSA 200-J shall be terminated no later than July 1, 1983, unless a contrary vote shall be registered. If the program shall be terminated, those already enrolled therein shall be permitted to complete their program in accordance with the provisions of RSA 200-J:4.

Source. 1977, 436:1. 1979, 353:4, eff. July 1, 1979.

Amendments—1979. Paragraph I: Designated existing section as paragraph I and inserted the words "and paragraph II of this section" following "RSA 17-G:4". Paragraph II: Added.

Sunset review and termination schedule. 1978, 57:1, as amended by 1979, 169:1, eff. Aug. 5, 1979, provided:

"Pursuant to RSA 17-G:5 [this section], the joint legislative committee on review of agencies and programs hereby establishes a review and termination schedule to be utilized in the review process mandated by RSA 17-G [this chapter]. Said schedule shall be as follows:

"I. (a) The following program appropriation units (PAU) and PAU's included in the following budget departments, set out in the budget submitted by the governor for the fiscal years ending in 1980 and 1981, shall terminate on July 1, 1981; provided that the PAU's designated by an asterisk shall be reviewed but shall not terminate:

General Government: 01

0102—Legislative Branch

010202	Office Legislative Services
01020401	Administrative Procedures
01020403	Legislative Utility Consumers Council

0103—Executive Office

*010303	Council on Energy
010304	Coordinator Federal Funds
*010305	N.H. Office Employment and Training
010306	Office of State Planning (except for component 01030606 Mass. Trans. Auth.)
*010308	Governor's Commission Crime and Delinquency

0104—Administration and Control

010404	State Historical Commission

0107—Secretary of State

*010701	Administration
*010702	Elections Division
*010703	Legislative Services
010704	Board of Claims

0108—State Library

*010801	Central Library Services
*010802	Community Library Services

0109—Department Revenue Administration

010901	Community Services
010902	Revenue Collections

*0112—N.H. Retirement System

Administration of Justice and Public Protection: 02

0206—Regulatory Boards and Commissions

020601	Board of Accountancy
020602	Alarm Installers
020603	Arborist Board
020604	Board of Architects
020605	Athletic Commission
020606	Barbers Board
020607	Chiropractic Examiners
020608	Civil Air Patrol
020609	Cosmetology Board
020610	Dental Board
020611	Regulation of Electricians
020612	Electrolysis Board
020613	Commission on Eminent Domain
020614	Board of Engineers
020615	Reg. of Professional Foresters
020616	Funeral Directors and Embalmers
020617	Human Rights Commission
020618	Land Surveyors
020619	Board of Medicine
020620	Board of Optometry
020621	Pharmacy Commission
020622	Plumbers Board

020623	Registration in Podiatry
020624	Board of Psychologist
020625	Public Employees Labor Relations Board
020626	Real Estate Commission
020627	Shorthand Court Reporters
020628	Commission on Status of Women
020629	Veterinary Examiners

0207—Civil Defense

020701	Civil Defense
*020702	Disaster Office

0209—State Coordinator Highway Safety

0213—Liquor Commission

021301	Administration
021302	Regulation
021303	Stores
021304	Warehouses

0215—Public Utilities Commission

021501	Administration and Support
021502	Common Carriers
021503	Gas Pipeline Carriers

0216—Department of Safety

021601	Administration and Support
021602	Off Highway Vehicle Safety
021603	Division of Motor Vehicles

*0217—State Prison

*0218—Youth Development Center

0219-Police Standards and Training Council

021901	Police Standards and Training Council
021903	Corrections

Resource Protection and Development: 03

0301—Fish and Game Department

030101	Administration and Support
030104	Law Enforcement

0303—Resources and Economic Development

030306	OHRV Program

0304—Water Resources Board

030401	Water Resources Division
030402	Construction Crew
030403	Special Board

0305—Water Pollution Commission

030501	Office of Commissioner
030502	Winnipesaukee River Basin
030503	Subsurface Waste Disposal
030504	Water Supply Division
030505	Construction Grants—Administration

Transportation: 04

0403—Public Works Division, Department Public Works

040301	Public Works Division

0404—Public Works and Highways

040401	Administration
040402	Engineering
040405	Mechanical Division

Health and Social Services: 05

0503—Department Health and Welfare

050301	Advisory Commission
050302	Health and Welfare Commissioner
*050304	Glencliff Home for the Elderly
050306	Division of Mental Health
*050307	Laconia State School and Training Center
*050308	New Hampshire Hospital

*0504—Veteran's Home

0506—New Hampshire Housing Commission

Education: 06

0601—Commission on Arts

0603—Board of Education

060301	Administration and Support
060302	Adult Basic Education
060303	Education Financial Aids to Districts
060304	Veterans Education Service
060305	Nurses Reg. Board
060306	Instruction Division
060307	Driver Safety Education
060308	Nursing Scholarships
060309	War Orphans Scholarships
060310	Fire Service Training
060311	Manpower Development and Training
060320	Administrative Division
060322	School Nutrition

"(b) The following state agencies shall terminate on July 1, 1981:

1. Advisory Board for Technical Services in the area of health (RSA 188-B:4)
2. Board of Examiners of Pastoral Counselors (RSA 330-B:3)
3. Connecticut River Valley Flood Control Commission (RSA 487:3)
4. Department Employment Security (RSA 282:9)
5. N.E. Water Pollution Control Commission (RSA 488:3)
6. Maine-N.H. Interstate Bridge Authority (RSA 258:4)
7. Merrimack River Flood Control Commission (RSA 487-A:3)
8. N.H. Fruit Marketing Committee (RSA 429-A:1)
9. N.H. Housing Finance Agency (RSA 204-B:2)
10. Standardbred Breeders and Owners Development Agency (RSA 426-A:1)
11. State Board of Auctioneers (RSA 311-B:2)

"II. (a) The following program appropriation units (PAU) and PAU's included in the following budget departments, set out in the budget submitted by the governor for the fiscal years ending in 1980 and 1981, shall terminate on July 1, 1983; provided that the PAU's designated by an asterisk shall be reviewed but shall not terminate:

General Government: 01

0102—Legislative Branch

010203	Legislative Budget Assistant Budget and Support
01020402	Special Services, Post Audit

0104—Administration and Control

010401	Budget and Control
010402	Division Special Disbursements
010403	Administration and Control Programs
010405	Division Graphic Services

0105—Centralized Data Processing

010501	CDP Administration and Support
010502	Data Processing Operation
010503	Planning and Support
010504	Systems Development
010505	Centralized Data Processing—Agency Revenues

0110—State Treasury

*011001	Administration
*011002	Trust Funds
*011003	Special General Fund Distribution

0111—Board of Taxation

Administration of Justice and Public Protection: 02

0203—Agriculture

020301	Office of Commissioner
020302	Meat Inspection
020303	Bureau Weights and Measures
020304	Bureau of Markets

0210—Horse Racing Commission

021001	Throughbred Racing
021002	Harness Racing
021003	Racing Laboratory

0211—Insurance Department

021101	Administration
021102	Examination Division

0212—Department Labor

021201	Department Labor Administration and Support
021202	Inspection Division
021203	Labor Statistics
021204	Workmen's Compensation
021205	Workmen's Compensation Commission

0214—Board of Probation

021401	Board of Probation
021402	Crime Commission Grant
021403	Domestic Relations and Collections

0216—Department Safety

021604	Division of Safety Services
021605	Division State Police
021606	State Overhead Charges
021607	Department Safety Debt Service

0220—Parole Board

022001	Parole Board
022002	Crime Commission Grant

Resource Protection and Development: 03

0301—Fish and Game Department

030103	Fish Resources

0303—Resources and Economic Development

030301	Administration and Support
030302	Recreation Services

Transportation: 04

0404—Public Works and Highways

040403	Construction and Reconstruction
040404	Maintenance
040406	Community Assistance State Funds
040407	Public Works and Highways Debt Service

Health and Social Services: 05

0503—Department Health and Welfare

050305	Division of Welfare

Education: 06

0602—Post Secondary Education Commission

060201	Post Secondary Education Commission
060202	N.H. Incentive Program

0603—Board of Education

060312	Post Secondary Education Administration and Support

0607—Higher Education Fund

060701	U.N.H.—Durham
060702	Keene State College
060703	Plymouth State College
060704	Merrimack Valley Branch
060705	U.N.H. Debt Service
060706	U.N.H. Continuing Education
060707	Industrial and Institutional Development
060708	Agriculture Experiment Station
060709	Marine Research and Development
060710	U.N.H. Cooperative Extension Service
060711	U.N.H. System Administration

0608—Keene State: Board of Education

"(b) The following state agencies shall terminate on July 1, 1983:
1. Milk Sanitation Board (RSA 184:80)
2. N.H. Higher Education and Health Facilities Authority (RSA 195-D:4)

"III. (a) The following program appropriation units (PAU) and PAU's included in the following budget departments, set out in the budget submitted by the governor for the fiscal years ending in 1980 and 1981, shall terminate on July 1, 1985; provided that the PAU's designated by an asterisk shall be reviewed but shall not terminate:

General Government: 01

0103—Executive Office—State Planning

01030606	Urban Mass. Transportation Authority

0106—Personnel Department

010601	Administrative Support

0113—Office of State Negotiator

Administration of Justice and Public Protection: 02

0202—Adjutant General Department

020201	Adjutant General Maintenance Preparation Force
020202	Training Education

0203—Agriculture

020305	Division Animal Industry
020306	Agriculture Regulations Program

020307	Agriculture Resources

0204—Attorney General

*020401	Division of Legal Counsel
*020402	Division of Consumer Protection and Land Disclosure
*020403	Division of Criminal Justice
*020404	Eminent Domain and PW & H
*020405	Environmental Protection

0205—Bank Commission

020501	General Services and Administration
020502	Small Loan and Vehicle Finance

0208—Greyhound Racing Commission

Resource Protection and Development: 03

0301—Fish and Game Department

030102	Game Resources

0302—Industrial Development Authority

0303—Resources and Economic Development

030303	Economic Development
030304	Forestry and Land Resources
030305	Parks and Recreation
030307	N.H. Oceanographic Foundation

Transportation: 04

0401—Aeronautics Commission

040101	Administration and Support

0402—Port Authority

0405—Central N.H. Turnpike

040501	Central N.H. Turnpike Operation
040502	Central N.H. Turnpike Maintenance
040503	Central N.H. Turnpike Debt Service
040504	State Overhead Charge
040505	Estimated Revenue

0406—Eastern N.H. Turnpike

040601	Operations and Maintenance
040602	Estimated Revenue

0407—Turnpikes Administration Overhead

0408—Transportation Authority

040801	N.H. Transportation Authority
040802	Railroad Division
040803	Public Transportation Division
040804	Elderly Mobility
040805	Regional Rail Rehabilitation

Health and Social Services: 05

0501—N.H. State Council on Aging

050101	State Office Administration
050102	Grants to Locals
050103	Third Party Grants
050104	Program Operations Region 1
050105	Program Operations Region 3
050106	Program Operations Region 5

050107	Program Operations Region 6
050108	Travel for Action
050109	Senior Recreation

0502—Cancer Commission

0503—Department Health and Welfare

050303	Division Public Health Services

0505—Veterans Council

0507—N.H. Commission on Children and Youth

Education: 06

0603—Board of Education

060313	N.H. Technical Institute, Concord
060314	N.H. Vocational & Technical College, Berlin
060315	N.H. Vocational & Technical College, Claremont
060316	N.H. Vocational & Technical College, Laconia
060317	N.H. Vocational & Technical College, Manchester
060318	N.H. Vocational & Technical College, Nashua
060319	N.H. Vocational & Technical College, Portsmouth
060321	Vocational Technical Division
060323	Vocational Rehabilitation Division
060324	Vocational Rehabilitation
060325	Vocational Rehabilitation—Social Security Programs
060326	Vocational Rehabilitation Education Programs
060327	N.H. Distributing Agency

0604—Extension Work in Counties

0605—New Hampshire Network

0606—New Hampshire Sweepstakes Commission

060601	Sweepstakes Commission
060602	Daily Numbers Game

"(b) The following state agencies shall terminate on Jyly 1, 1985:

1. Governor's Commission for the Handicapped (RSA 275-C: 2)
2. Maine-New Hampshire Commission on Oceanography (RSA 12-C: 2)
3. Northeastern Forest Fire Protection Commission (RSA 226: 4)
4. Saco Watershed Commission (RSA 226-A: 2)."

17-G: 6 Committee Jurisdiction for Review. On or before July 1, 1978, the joint legislative committee on review of agencies and programs, as established by RSA 17-F, shall submit to the house and senate, for each program appropriation unit to be reviewed under RSA 17-G: 5, a report setting forth the committee of each house which has legislative jurisdiction over that unit.

Source. 1977, 436: 1, eff. July 5, 1977.

17-G: 7 Phasing Out of Agency. Any agency which is not renewed in accordance with RSA 17-G: 8 prior to the deadlines established by RSA 17-G: 5, shall continue in existence for 9 months following that deadline for the purpose of winding up its affairs. During this period the powers or authority of such agency shall not be limited or reduced. During this period appropriations for such agency shall not exceed the amount appropriated for the final 9 months of the preceding fiscal year. Upon expiration of this 9 month period, said agency shall cease all activities.

Source. 1977, 436: 1, eff. July 5, 1977.

17-G: 8 Renewal Procedure.

I. The review and evaluation outlined under this section shall have the following objectives:

(a) the elimination of inactive entities;

(b) the elimination of entities which duplicate other entities or other governmental programs and activities, or an appropriate consolidation of them;

(c) the elimination of inefficient, unnecessary or ineffective activities.

(d) the elimination of confusing, inefficient or unnecessary rulemaking. [Added 1979, 307: 1, eff. Aug. 21, 1979.]

II. Not later than the third legislative day of each regular biennial legislative session, the sunset committee shall submit to the relevant committees of the house and senate, as determined by RSA 17-G: 6, a report for each program appropriation unit scheduled for review during that year. In preparing said report the sunset committee shall work in consultation with the relevant house and senate committees. Said report shall include but not be limited to the following: [Amended 1979, 74: 10, eff. April 19, 1979.]

(a) the law or laws under which such program or agency was created and carries on its activities;

(b) the amount of appropriation for such program or agency for each of the past 6 fiscal years;

(c) an identification of other entities or programs of state government having the same or similar objectives along with a comparison of the cost and effectiveness of such entities or programs, and any duplication of the entity under review;

(d) an examination of the extent to which the objectives of the entity under review have been achieved when compared to the objectives initially set forth for the entity under review and an analysis of any significant variance between projected and actual performance; and

(e) the objectives of the program or agency during the next 6 fiscal years, as required by RSA 9:4.

II-a. The director of legislative services shall submit to the relevant committees of the house and senate, as determined by RSA 17-G:6, an analysis of the rules of each agency listed in the termination schedule established under RSA 17-G:5. Such analysis shall include but not be limited to the following:

(a) The statutory passage or passages granting the agency rulemaking authority;

(b) The agency compliance with the filing provisions of RSA 541-A;

(c) Whether the rules on file with the director of legislative services meet the uniform drafting requirements established under RSA 541-A:4, III;

(d) An identification of other areas of rulemaking authority delegated to the agency which the agency has not used;

(e) How often an agency updates its rules; and

(f) Recommendations on how the statutory passages granting rulemaking authority should be amended in order to effectuate the purposes of RSA 17-G:8 I(d). [Added 1979, 307:2, eff. Aug. 21, 1979.]

III. Upon receipt of the sunset committee's report, the standing committee of the house to which it was referred shall hold a public hearing no later than the twelfth legislative day, at which the agency shall have the burden of demonstrating a public need for its continued existence. Not later than 14 calendar days after said hearing the committee shall report to the house its recommendations as to the agency. Such report shall include an identification of other government programs having the same or similar objectives, and the recommendation of the committee with respect to the elimination or consolidation of such programs. Whenever a committee identifies such duplication of programs but recommends renewal of the agency under review, the report shall state specifically the justification for such action. If the committee recommends renewal of the agency it shall do so in the form of a bill which shall extend the life of the agency; for 6 years, commencing with the next termination date. [Amended 1979, 74:11, eff. April 19, 1979.]

IV. After house action on any bill resulting from the committee report outlined in paragraph III of this section, the respective senate committee shall consider the reports of the sunset committee and the house committee, and shall hold a public hearing not later than the thirtieth legislative day. Said committee shall report its recommendations as to the agency not later than 14 calendar days after the public hearing. The report of the senate committee shall meet the same guidelines as set forth for the report of the house committee in paragraph III of this section. If the house had passed a bill to the full senate together with its report, whether or not the senate committee recommends renewal of the agency. [Amended 1979, 74:12, eff. April 19, 1979.]

V. If one house refuses to pass a bill renewing the agency by the fortieth legislative day, a committee of conference shall be appointed in accordance with house, senate, and joint rules. Said committee shall report its recommendations to both houses not later than 5 legislative days after its formation. If both houses refuse to pass a bill renewing an agency, or if a committee of conference report recommending renewal is not adopted by both houses by the termination date set forth in RSA 17-G:5 the agency shall be terminated and shall conduct its operations in accordance with RSA 17-G:7.

VI. No bill shall renew more than one program appropriation unit identified for review under the provisions of RSA 17-G:5. All committees of both houses are required to report all bills renewing agencies to the full house or senate. No bill, resolution, or amendment thereto, renewing or extending any agency, program, or unit, shall be considered in either house until after the standing committee overseeing said agency has submitted the report, required by paragraphs III and IV of this section, to that house.

Source. 1977, 436:1. 1979, 74:10-12, eff. April 19, 1979; 307:, 2, eff. Aug. 21, 1979.

Amendments—1979. Paragraph I(d): Added by ch. 307.

Paragraph II: Chapter 74 substituted "sunset committee" for "legislative budget assistant" in introductory test.

Paragraph II-a: Added by ch. 307.

Paragraph III: Chapter 74 substituted "sunset committee's" for "legislative budget assistant's" report.

Paragraph IV: Chapter 74 substituted "sunset committee" for "legislative budget assistant" in the first sentence.

17-G:9 Rights of Citizens and Employees. This chapter shall not cause the dismissal of any claim or right of a citizen against any agency or any claim or right of an agency terminated pursuant to this chapter which is subject to litigation. Said claims and rights shall be assumed by the attorney general. Nothing in this chapter shall interfere with the general court otherwise considering legislation on any agency, program, unit, or similar body. All officers and employees of any program or agency terminated in accordance with this chapter shall be accorded first preference for any available jobs in the state service for which they qualify.

Source. 1977, 436:1, eff. July 5, 1977.

17-G:10 Effect of Termination on Obligations. If an agency or program shall be terminated pursuant to this chapter when there are outstanding any bonds, notes, bond anticipation notes, debentures, interim certificates or other evidences of financial indebtedness (collectively "obligations") issued by such agency or in connection with such program (a) all duties, functions, responsibilities and rights relating to the payment or securing the payment of such obligations shall pass to the state and be performed by and through the state treasurer; and (b) any property then held by such agency or in connection with such program shall thereupon also pass to the state. The passing of obligations and rights in accordance with this section shall not increase or diminish them and the faith and credit of the state shall not thereby be pledged to the payment of any such obligation.

Source. 1978, 15:1, eff. June 14, 1978.

NEW MEXICO

New Mexico Sunset Law

N.M. Stat. Ann. § 12-9-1 et seq. (1979 main volume)

ARTICLE 9

New Mexico Sunset Law

Sec.
12-9-1. Short title.
12-9-2. Finding of fact.
12-9-3. Definition.
12-9-4. Termination of agencies on July 1, 1978.
12-9-5. Termination of agencies on July 1, 1979.
12-9-6. Termination of agencies on July 1, 1980.
12-9-7. Temporary extension of existence.
12-9-8. Renewal of agency life.
12-9-9. Legislative hearing; action.
12-9-10. Existing claims and rights.

12-9-1. Short title.

This act [12-9-1 to 12-9-10 NMSA 1978] may be cited as the "New Mexico Sunset Law."

History: 1953 Comp., § 4-29-A-1, enacted by Laws 1977, ch. 259, § 1.

12-9-2. Finding of fact.

The legislature finds that state government actions have produced a substantial increase in numbers of regulatory agencies, growth of programs and proliferation of rules and regulations, and that the whole process developed without sufficient legislative oversight, regulatory accountability or a system of checks and balances. The legislature further finds that by establishing a system for the termination or continuation of such agencies, it will be in a better position to evaluate the need for the continued existence of present and future regulatory bodies.

History: 1953 Comp., § 4-29-A-2, enacted by Laws 1977, ch. 259, § 2.

12-9-3. Definition.

As used in the New Mexico Sunset Law [12-9-1 to 12-9-10 NMSA 1978], "agency" includes officer, division, bureau, department, board and commission.

History: 1953 Comp., § 4-29-A-3, enacted by Laws 1977, ch. 259, § 3.

12-9-4. Termination of agencies on July 1, 1978.

Notwithstanding other provisions of law, the following regulatory agencies shall terminate on July 1, 1978:

A. the state board of examiners for architects, created by Section 61-15-3 NMSA 1978 (being Laws 1931, Chapter 155, Section 2, as amended);

B. the state board of barber examiners, created by Section 61-17-20 NMSA 1978 (being Laws 1937, Chapter 220, Section 18);

C. the state collection agency board, created by Section 67-15-27 NMSA 1953 (being Laws 1957, Chapter 218, Section 6);

D. the state board of cosmetologists, created by Section 61-19-22 NMSA 1978 (being Laws 1937, Chapter 221, Section 15, as amended);

E. the New Mexico dry cleaning board, created by Section 61-20-3 NMSA 1978 (being Laws 1941, Chapter 198, Section 3, as amended);

F. the state board of embalmers and funeral directors of the state of New Mexico, created by Section 61-21-1 NMSA 1978 (being Laws 1947, Chapter 71, Section 1G, as amended);

G. the state board of registration for professional engineers and land surveyors, created by Section 61-23-8 NMSA 1978 (being Laws 1957, Chapter 211, Section 4;

H. the New Mexico state board of public accountancy, created by Section 61-28-4 NMSA 1978 (being Laws 1947, Chapter 115, Section 4);

I. the New Mexico real estate commission, created by Section 61-29-4 NMSA 1978 (being Laws 1959, Chapter 226, Section 3);

J. the state board of podiatry, created by Section 67-27-6 NMSA 1953 (being Laws 1959, Chapter 187, Section 6, as amended);

K. the New Mexico state board of psychologist examiners, created by Section 61-9-5 NMSA 1978 (being Laws 1963, Chapter 92, Section 4, as amended);

L. the polygraphy board, created by Section 61-26-5 NMSA 1978 (being Laws 1973, Chapter 28, Section 4);

M. the construction industries commission, created by Section 67-35-5 NMSA 1953 (being Laws 1975, Chapter 331, Section 16);

N. the electrical board, the mechanical board and the general construction board, created by Section 60-13-31 NMSA 1978 (being Laws 1967, Chapter 199, Section 34, as amended);

O. the board of hearing aid dealers and fitters, created by Section 61-24-4 NMSA 1978 (being Laws 1969, Chapter 265, Section 3);

P. the state board of nursing home administrators, created by Section 61-13-4 NMSA 1978 (being Laws 1970, Chapter 61, Section 3);

Q. the employment agency board, created by Section 61-22-3 NMSA 1978 (being Laws 1971, Chapter 44, Section 3, as amended);

R. the massage board, created by Section 61-25-4 NMSA 1978 (being Laws 1971, Chapter 252, Section 3); and

S. the mobile housing commission, created by Section 67-41-4 NMSA 1953 (being Laws 1975, Chapter 331, Section 5).

History: 1953 Comp., § 4-29-A-4, enacted by Laws 1977, ch. 259, § 4.

Compiler's notes.—Certain of the agencies referred to in this section have been abolished by other 1977 Acts:

Section 67-15-27, 1953 Comp., creating the state collection agency board referred to in Subsection C, was repealed by Laws 1977, ch. 245, § 238. For present provisions as to administration of the Collection Agency Act, see 61-18-2 to 61-18-6 NMSA 1978.

Section 67-27-6, 1953 Comp., creating the state board referred to in Subsection J, was repealed by Laws 1977, ch. 221, § 17. For present provisions creating a board of podiatry, see 61-8-5 NMSA 1978.

The construction industries commission, referred to in Subsection M, the electrical board, the mechanical board and the general construction board, referred to in Subsection N, and the mobile housing commission, referred to in Subsection S, have been abolished by Laws 1977, ch. 245, § 4, compiled as 9-2-4 NMSA 1978. See 9-2-12 NMSA 1978 as to transfer of personnel, etc., to the commerce and industry department and as to references to the construction industries commission and the mobile housing commission meaning the construction industries division and the mobile housing division, respectively, of the commerce and industry department and as to references to the electrical board, the mechanical board and the general construction board meaning the electrical bureau, the mechanical bureau and the general construction bureau, respectively, of the construction industries division of the commerce and industry department.

12-9-5. Termination of agencies on July 1, 1979.

Notwithstanding other provisions of law, the following regulatory agencies shall terminate on July 1, 1979:

A. the board of optometry, created by Section 61-2-5 NMSA 1978 (being Laws 1973, Chapter 353, Section 4);

B. the board of nursing, created by Section 61-3-8 NMSA 1978 (being Laws 1968, Chapter 44, Section 5);

C. the chiropractic board, created by Section 61-4-3 NMSA 1978 (being Laws 1968, Chapter 3, Section 3, as amended);

D. the board of dentistry, created by Section 61-5-4 NMSA 1978 (being Laws 1971, Chapter 125, Section 4);

E. the New Mexico board of medical examiners, created by Section 61-6-1 NMSA 1978 (being Laws 1923, Chapter 44, Section 1, as amended);

F. the board of osteopathic medical examiners, created by Section 61-10-5 NMSA 1978 (being Laws 1933, Chapter 117, Section 4, as amended);

G. the board of pharmacy, created by Section 61-11-4 NMSA 1978 (being Laws 1969 Chapter 29, Section 3);

H. The physical therapists' licensing board, created by Section 61-12-4 NMSA 1978 (being Laws 1953, Chapter 136, Section 4, as amended); and

I. the board of veterinary examiners, created by Section 61-14-4 NMSA 1978 (being Laws 1976, Chapter 62, Section 3, as amended).

History.—1953 Comp., § 4-29A-5, enacted by Laws 1977, ch. 259, § 5.

12-9-6. Termination of agencies on July 1, 1980.

Notwithstanding other provisions of law the following regulatory agencies shall terminate July 1, 1980:

A. the New Mexico public service commission, created by Section 62-5-1 NMSA 1978 (being Laws 1941, Chapter 84, Section 3);

B. the department of insurance, created by Section 59-2-1 NMSA 1978 (being Laws 1925, Chapter 135, Section 2, as amended);

C. the racing commission, created by Section 60-1-3 NMSA 1978 (being Laws 1933, Chapter 55, Section 2, as amended);

D. the commissioner or banking, created by Section 58-1-32 NMSA 1978 (being Laws 1963, Chapter 305, Section 31, as amended);

E. the coal surfacemining commission, created by Section 69-25-4 NMSA 1978 (being Laws 1972, Chapter 68, Section 3);

F. the human rights commission, created by Section 28-1-3 NMSA 1978 (being Laws 1969, Chapter 196, Section 3, as amended);

G. the labor and industrial commission of New Mexico, created by Section 50-1-1 NMSA 1978 (being Laws 1931, Chapter 9, Section 1);

H. the office of labor commissioner, created by Section 59-1-2 NMSA 1953 (being Laws 1931, Chapter 9, Section 2);

I. the New Mexico liquefied petroleum gas commission, created by Section 70-5-1 NMSA 1978 (being Laws 1947, Chapter 214, Section 1, as amended);

J. the oil conservation commission, created by Section 70-2-4 NMSA 1978 (being Laws 1935, Chapter 72, Section 3, as amended);

K. the energy resources board, created by Section 65-13-4 NMSA 1978 (being Laws 1975, Chapter 289, Section 4);

L. the water quality control commission, created by Section 74-6-3 NMSA 1978 (being Laws 1967, Chapter 190, Section 3, as amended);

M. the environmental improvement board, created by Section 74-1-5 NMSA 1978 (being Laws 1971, Chapter 277, Section 5);

N. the environmental improvement agency, created by Section 74-1-4 NMSA 1978 (being Laws 1971, Chapter 277, Section 4);

O. the department of alcoholic beverage control, created by Section 60-4-2 NMSA 1978 (being Laws 1969, Chapter 197, section 2); and

P. the New Mexico livestock board, created by Section 77-2-2 NMSA 1978 (being Laws 1967, Chapter 213, Section 2).

History.—1953 Comp., § 4-29A-6, enacted by Laws 1977, ch. 259, § 6.

Compiler's notes.—Certain of the agencies referred to in this section have been abolished or absorbed under other 1077 acts:

The title of the commissioner of banking, referred to in Subsection D, has been changed to director of the financial institutions division of the commerce and industry department, and his powers and duties have been transferred to the director. See 58-1-32 NMSA 1978, as amended by Laws 1977, ch. 245, § 120.

The coal surfacemining commission, referred to in Subsection E, has been absorbed into the energy and minerals department and its personnel, etc., transferred to the mining and minerals division of the energy and minerals department by Laws 1977, ch. 255, §§ 9 and 11, complied as 9-5-9 and 9-5-11 NMSA 1978.

The labor and industrial commission, referred to in Subsection G, has been abolished by Laws 1977, ch. 252, § 5, compiled as 9-8-5 NMSA 1978. See 9-8-14 NMSA 1978 as to transfer of personnel, etc., to the human services department and as to references to the labor and industrial commission being references to the employment services division of the human services.

The functions of the office of the labor commissioner, referred to in Subsection H, are now performed by the labor and industrial bureau of the employment services division of the human services department. See Laws 1977, ch. 252, §§ 3 and 4, compiled as 9-8-3 and 9-8-4 NMSA 1978, and 50-1-1 NMSA 1978, as amended by Laws 1977, ch. 252, § 26.

The liquefied petroleum gas commission, referred to in Subsection I, has been abolished by Laws 1977, ch. 245, § 4, compiled as 9-2-4 NMSA 1978. See 9-2-12 NMSA 1978 as to transfer of personnel, etc., to the commerce and industry department and references to the liquefied petroleum gas commission meaning the liquefied petroleum gas bureau of the construction industries division of the commerce and industry department.

The oil conservation commission, referred to in Subsection J, has been absorbed into the energy and minerals department and its personnel, etc., transferred to the oil conservation division of the energy and minerals department by Laws 1977, ch. 255, §§ 9 and 11, compiled as 9-5-9 and 9-5-11 NMSA 1978. For present provisions as to creation and powers of the oil conservation commission, see 70-2-4 and 70-2-6 to 70-2-13 NMSA 1978, as amended by Laws 1977, ch. 255, §§ 39 and 41 to 48.

The energy resources board, referred to in Subsection K, has been abolished by Laws 1977, ch. 255, § 8, compiled as 9-5-8 NMSA 1978, and absorbed into the energy and minerals department by Laws 1977, ch. 255, § 9, compiled as 9-5-9 NMSA 1978, and 65-13-4, 1953 Comp., creating the energy resources board, was repealed by Laws 1977, ch. 255, § 104. See 9-5-11 NMSA 1978 as to transfer of personnel to the energy conservation and management division and the energy resource and development division of the energy and minerals department and as to references to the energy resources board meaning the department of energy and minerals.

The environmental improvement agency, referred to in Subsection N, has been abolished by Laws 1977, ch. 253, § 5. As to transfer of personnel, etc., to the health and environment department and as to references to the environmental improvement agency meaning the environmental improvement division of the health and environment department, see Laws 1977, ch. 253, § 14.

12-9-7. Temporary extension of existence.

Upon termination, each agency shall continue until July 1 of the next succeeding year for the purpose of winding up its affairs. During the windup period, the termination shall not reduce or otherwise limit the powers or authority of each respective agency. Upon the expiration of one year after termination, each respective agency shall cease all activities.

History.—1953 Comp., § 4-29A-7, enacted by Laws 1977, ch. 259, § 7.

12-9-8. Renewal of agency life.

The life of any agency scheduled for termination under the New Mexico Sunset Law [12-9-1 to 12-9-10 NMSA 1978] may be continued by the legislature for periods not to exceed six years. Any newly created agency shall have a life not to exceed six years and shall be subject to the provisions of the New Mexico Sunset Law.

History.—1953 Comp., § 4-29A-8, enacted by Laws 1977, ch. 259, § 8.

12-9-9. Legislative hearing; action.

A. Prior to the termination of any agency pursuant to the provisions of the New Mexico Sunset Law [12-9-1 to 12-9-10 NMSA 1978], the legislative finance committee shall hold a public hearing, receive testimony from the public and the head of the regulatory agency involved and make a recommendation to the next session of the legislature for the termination or continuance of the agency. In such hearing, the agency shall have the burden of demonstrating a public need for its continued existence and the extent to which an amendment of the agency's basic statute may increase the efficiency of the administration or operation of the agency.

B. In making its recommendation to the legislature the legislative finance committee shall take into consideration the following:

(1) the extent to which the agency has permitted qualified applicants to serve the public;

(2) the extent to which the agency has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures and practices and by budgetary, resources and personnel matters;

(3) the extent to which the agency has recommended statutory changes to the legislature which would benefit the public as opposed to the persons it regulates;

(4) the extent to which persons regulated by the agency has exercised control over the policies and actions to the agency and the extent to which the agency requires the persons it regulates to report to it concerning the impact of rules and decisions of the agency regarding improved service, economy of service and availability of service;

(5) the extent to which persons regulated by the agency have been required to assess problems in their industry which affect the public;

(6) the extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates;

(7) the efficiency with which formal public complaints filed with the agency concerning persons subject to regulation have been processed to completion by the agency; and

(8) the extent to which changes are necessary in the enabling laws of the agency to adequately comply with the above factors.

C. No more than one agency shall be continued or reestablished in any bill submitted to the legislature.

D. If no action has been taken by the legislature to extend the life of an agency because the subject was not designated by message of the governor during the first ten days of any even-numbered year legislative session, the agency shall continue in existence until the next subsequent odd-numbered year legislative session, at which time the legislature shall reconsider the termination. If terminated, in no case shall an agency have less than one year to wind up its affairs.

History.—1953 Comp., § 4-29A-9, enacted by Laws 1977, ch. 259, § 9.

12-9-10. Existing claims and rights.

The New Mexico Sunset Law [12-9-1 to 12-9-10 NMSA 1978] shall not cause the dismissal of any claim or right of a citizen against any agency specified therein or any claim or right of such agency terminated pursuant to that act which is subject to litigation. The claim and rights of such agency shall be assumed by the department of finance and administration. Nothing in the New Mexico Sunset Law shall interfere with the legislature otherwise considering legislation on any agency mentioned therein.

History.—1953 Comp., § 4-29A-10, enacted by Laws 1977, ch. 259, § 10.
Emergency clause.—Laws 1977, ch. 259, § 11, makes the act effective immediately. Approved April 7, 1977.

NORTH CAROLINA

PERIODIC REVIEW OF CERTAIN STATE AGENCIES

N.C. Gen. Stat. Ann. § 143-34.10 et seq. (1978 Repl. Volume and 1979 Supp.)

ARTICLE 1.1.

Periodic Review of Certain State Agencies.

§ 143.34.10. Findings and purposes. The General Assembly finds that State government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations and that the whole process developed without sufficient legislative oversight, regulatory accountability, or a system of checks and balances. The General Assembly further finds that by establishing a system for the termination, continuation, and reestablishment of such agencies, it will be in better position to evaluate the need for the continued existence of existing and future regulatory bodies. (1977, c. 712, s. 1.)

Editor's Note.—Session Laws 1977, c. 712, s. 13, contains a severability clause.

§ 143.34.11. Certain General Statutes provisions repealed effective July 1, 1979.—The following statutes are repealed effective July 1, 1979, (except for purposes of the winding-up period, as provided by section 5 of this act):

Chapter 83, entitled "Architects."
Chapter 89C, entitled "Engineering and Land Surveying."
Chapter 89A, entitled "Landscape Architects."
Chapter 87, Article 1, entitled "General Contractors."
Chapter 87, Article 2, entitled "Plumbing and Heating Contractors."
Chapter 87, Article 3, entitled "Tile Contractors."
Chapter 87, Article 4, entitled "Electrical Contractors."
Chapter 87, Article 5, entitled "Refrigeration Contractors."
Chapter 87, Article 6, entitled "Water Well Contractors."
Chapter 84, Article 4, entitled "North Carolina State Bar."
Chapter 85C, entitled "Bail Bondsmen and Runners."
Chapter 90A, Article 1, entitled "Sanitarians."
Chapter 90A, Article 2, entitled "Water Treatment Facility operators."
Chapter 90A, Article 3, entitled "Wastewater Treatment Plant Operators."
Chapter 93, entitled "Public Accountants."
Chapter 93A, entitled "Real Estate Brokers and Salesmen."
Chapter 66, Article 9A, entitled "Private Detectives."
Chapter 93C, entitled "Watchmakers."
Chapter 74, Article 6, entitled "Mining Registration."
Chapter 78A, Article 5, entitled "Registration of Dealers and Salesmen" (of securities).
Chapter 81A, Article 5, entitled "Public Weightmasters."
Chapter 95, Article 5, entitled "Regulation of Employment Agencies."
Chapter 95, Article 15, entitled "Passenger Tramways."

Chapter 143B, Article 2, Part 6, entitled "Public Librarian Certification Commission," G.S. 125-9, entitled "Librarian Certification" and G.S. 125-10, entitled "Temporary Certificates for Public Librarians."

Chapter 74, Article 7, entitled "The Mining Act of 1971."

Chapter 113A, Article 4, entitled "Sedimentation Pollution Control Act of 1973."

Chapter 143, Article 21, Part 3, entitled "Dam Safety."

Chapter 143B, Article 7, Part 6, entitled "North Carolina Mining Commission."

Chapter 143B, Article 7, Part 8, entitled "Sedimentation Control Commission."

Chapter 143B, Article 7, Part 9, entitled "Wastewater Treatment Plant Operators Certification Commission."

G.S. 76-1 through 76-12, relating to a board of commissioners of navigation and pilotage for the Cape Fear River and Bar.

Chapter 76, Article 6, entitled "Morehead City Navigation and Pilotage Commission."

Chapter 71, Article 2, entitled "North Carolina Commission on Indian Affairs." (1977, c. 712, s. 2.)

§ 143-34.12. Certain General Statutes provisions repealed effective July 1, 1981.—The following statutes are repealed effective July 1, 1981, (except for purposes of the winding-up period, as provided by section 5 of this act):

Chapter 90, Article 1, entitled "Practice of Medicine."

Chapter 90, Article 2, entitled "Dentistry."

Chapter 90, Article 4, entitled "Pharmacy."

Chapter 90, Article 6, entitled "Optometry."

Chapter 90, Article 7, entitled "Osteopathy."

Chapter 90, Article 8, entitled "Chiropractic."

Chapter 90, Article 9, entitled "Nurse Practice Act."

Chapter 90, Article 10, entitled "Midwives," and Chapter 130, Article 18, entitled "Midwives."

Chapter 90, Article 11, entitled "Veterinarians."

Chapter 90, Article 12A, entitled "Podiatrists."

Chapter 90, Article 13A, entitled "Practice of Funeral Service."

Chapter 90, Article 16, entitled "Dental Hygiene Act."

Chapter 90, Article 17, entitled "Dispensing Opticians."

Chapter 90, Article 18, entitled "Physical Therapy."

Chapter 90, Article 18A, entitled "Practicing Psychologists."

Chapter 90, Article 20, entitled "Nursing Home Administration Act."

Chapter 86, entitled "Barbers."

Chapter 88, entitled "Cosmetic Art."

Chapter 108, Article 3, Part 2, entitled "Licensing of Private Institutions (maternity homes, homes for the aged and infirm, private child-care institutions)."

Chapter 110, Article 3, entitled "Control over Child-Caring Facilities," and Article 7, entitled "Day-Care Facilities."

Chapter 143B, Article 9, Part 4, entitled "Child Day-Care Licensing Commission."

Chapter 122, Article 2E, entitled "Licensing of Local Mental Health Facilities."

G.S. 122-72, entitled "Licensing and Control of Local Mental Institutions and Homes."

Chapter 130, Article 26, entitled "Regulation of Ambulance Services."

Chapter 131, Article 13A, entitled "Hospital Licensing Act."

Chapter 66, Article 9, entitled "Collection of Accounts."

Chapter 66, Article 9B, entitled "Motor Clubs and Associations."

Chapter 113A, Article 7, entitled "Coastal Area Management."

Chapter 143, Article 21, entitled "Water and Air Resources," (except Part 3).

Chapter 143, Article 21A, entitled "Oil Pollution Control."

Chapter 143, Article 21B, entitled "Air Pollution Control."

Chapter 143, Article 38, entitled "Water Resources."

Chapter 143B, Article 7, Part 4, entitled "Environmental Management Commission." (1977, c. 712, s. 3).

§143-34.13. Certain General Statutes provisions repealed effective July 1, 1983.—The following statutes are repealed effective July 1, 1983 (except for purposes of the winding-up period, as provided by section 5 of this act):

Chapter 90, Article 22, entitled "Licensure Act for Speech and Language Pathologists and Audiologists."

Chapter 89B, entitled "Foresters."

Chapter 85B, entitled "Auctions and Auctioneers."

Chapter 74B, entitled "Private Protective Services Act."

Chapter 89D, entitled "Landscape Contractors."

Chapter 136, Article 2C, entitled "House Movers Licensing Board."

Chapter 93D, entiteld "North Carolina State Hearing Aid Dealers and Fitters Board."

Chapter 104E, entitled "North Carolina Radiation Protection Act."

Chapter 106, Article 2, entitled "North Carolina Fertilizer Law of 1947."

Chapter 106, Article 4C, entitled "Structural Pest Control Act."

Chapter 106, Article 5A, entitled "Marketing of Farmers Stock Peanuts."

Chapter 106, Article 12, entitled "Food Drugs and Cosmetics."

Chapter 106, Article 14, entitled "State Inspection of Slaughterhouses."

Chapter 106, Article 14A, entitled "Licensing and Regulation of Rendering Plants and Rendering Operations."

Chapter 106, Article 15A, entitled "Meat Grading Law."

Chapter 106, Article 17, entitled "Marketing and Branding Farm Products."

Chapter 106, Article 28A, entitled "Regulation of Milk Brought into North Carolina from other States," and Article 28B, entitled "Regulation of Production, Distribution, etc., of Milk and Cream."

Chapter 106, Article 29, entitled "Inspection, Grading, and Testing Milk and Dairy Products."

Chapter 106, Article 31, entitled "North Carolina Seed Law."

Chapter 106, Article 34, Part 10, entitled "Feeding Garbage to Swine."

Chapter 106, Article 35, entitled "Public Livestock Markets."

Chapter 106, Article 35B, entitled "Livestock Dealer Licensing Act."

Chapter 106, Article 44, entitled "Unfair Practices by Handlers of Fruits and Vegetables.

Chapter 106, Article 49, entitled "Poultry; Hatcheries; Chick Dealers."

Chapter 106, Article 51A, entitled "North Carolina Antifreeze Law of 1975."

Chapter 106, Article 53, entitled "Grain Dealers," and Article 54, entitled "Adulteration of Grains."

Chapter 113, Article 7, entitled "North Carolina Game Law of 1935."

Chapter 113, Article 17, entitled "Administrative Provisions; Regulatory Authority of Marine Fisheries Commission and Department."

Chapter 143, Article 52, Part 3, entitled "Pesticide Dealers and Manufacturers."

Chapter 143, Article 52, Part 4, entitled "Pesticide Applicators and Consultants."

G.S. 58-15, entitled "Authority over all insurance companies; no exemptions from license."

G.S. 58-40, entitled "Agents and others must procure license."

Chapter 58, Article 4, entitled "Insurance Premium Financing." (1977, c. 712, s. 4.)

§ 143-34.14. **Winding-up period.**—Upon termination, each program or function shall continue in operation existence until July 1, of the next succeeding year as a winding-up period. During the winding-up period, termination shall not reduce or otherwise limit the powers or authority of the responsible agencies. Upon the expiration of the one-year period after termination, each such program or function shall cease operation entirely. (1977), c. 712, s. 5.)

§ 143-34.15. **Governmental Evaluation Commission; creation; membership, compensation, etc.; termination.**—(a) There is hereby created a temporary State commission, to be known as the Governmental Evaluation Commission, (hereinafter, "the Commission") which shall consist of 10 members, six to be appointed by the Governor, and two each to be appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The Lieutenant Governor's appointees shall be members of the Senate, and the Speaker's appointees shall be members of the House of Representatives, but no other member of the General Assembly or officer or employee of the State or spouse of any such member, officer or employee may be a member of the Commission. Commission members shall designate a chairman from among then annually. The original appointments of nonlegislator members will expire on June 30, 1980. The terms of the nonlegislator members appointed thereafter shall be three years, commencing on July 1 of the year in which the predecessor's term expired. The initial legislator-members shall be appointed after July 1, 1977; they and their successors shall serve until the expiration of the legislative terms which they are serving at the time of their appointment to the Commission and until their successors are appointed or until they cease to be members of the General Assembly, whichever occurs first. Vacancies in the positions of legislator-members shall be filled in the same manner that the vacated position was originally filled, and the person so appointed shall serve for the remainder of the unexpired term of the person whom he succeeds. Vacancies in the positions of the Governor's appointees shall be filled by the Governor for the unexpired term.

(b) Commission members who are not legislators shall receive as compensation for the services the same per diem and travel expense allowances as members of occupational licensing boards pursuant to G.S. 93B-5. Legislator-members of the Commission shall be compensated pursuant to G.S. 120-3.1.

(c) The Commission shall utilize the expertise of the Attorney General and other appropriate agencies in performing its duties under this act.

(d) The Commission is authorized to employ such clerical, technical and professional staff, and to obtain such consulting services, as the Commission deems necessary, and to defray the expenses thereof from any funds made available to it through grants, appropriations or any other source. The number of staff persons to be employed, the salary to be paid to each, the fees to be paid to consultants, and the expenditure of funds for any purpose by the Commission shall be subject to the approval of the Legislative Services Commission.

(e) Except as herein provided, Commission members shall not be permanent salaried employees of the Commission.

(f) The Commission shall terminate and the authority granted by this act shall expire on June 30, 1983. (1977, c. 712, s. 6.)

§ 143-34.16. Performance evaluation of programs scheduled for termination.—(a) The Governmental Evaluation Commission shall cause to be conducted a performance evaluation of each program or function scheduled for termination under this Article. The agency responsible for each program or function under review shall provide the Commission with the following information:

(1) The identity of all agencies or subunits under the direct or advisory control of the agency whose program is under review;

(2) All powers, duties, and functions currently performed by the agency whose program is under review, or that are currently inactive;

(3) All constitutional, statutory, or other authority under which said powers, duties and functions of the agency are carried out;

(4) Any powers, duties, or functions which, in the opinion of the agency under review, are being performed and duplicated to any extent by another agency within the State including the manner in which, and the extent to which, this duplication of efforts is occurring and any recommendations as to eliminating such a situation;

(5) Any powers, duties, or functions which, in the opinion of the agency under review, are inconsistent with current and projected public demands and should be terminated or altered; and

(6) Any other information which the Commission in its discretion, feels is necessary and proper in carrying out its duties to review.

(b) In conductng the evaluations, the Commission shall take into consideration, but not be limited to considering, the factors listed in G.S. 143-34.17. Upon completion of the evaluation, the Commission shall submit a report to the General Assembly, including the

Commission's recommendation as to whether the program or function in question should be terminated, reconstituted, reestablished, or continued, with or without modification of the relevant statutes, and whether the responsible agency should be terminated, reconstituted, reestablished, or continued, with or without modification of the relevant statutes. The Commission shall hold public hearings as provided in G.S. 143-34.18 for the purpose of reviewing its proposed report. A copy of the report shall be made available to each member of the General Assembly at least six months prior to the scheduled date of termination under G.S. 143-34.11 to 143-34.13.

(c) The Commission may review related programs or functions not scheduled for termination which, in the Commission's judgment, should be consolidated or better coordinated with programs scheduled for termination, and as a result of such review the Commission may recommend legislation providing for consolidation or coordination of related programs or for additional related programs to be scheduled for termination. (1977, c. 712, s. 7.)

§ 143-34.17. Evaluation elements.—The elements used by the Governmental Evaluation Commission in making its determination of the need for continuance of an agency program or function shall include, but not be limited to:

(1) An identification of the objectives intended for the agency program and the problem or need which the program was intended to address;

(2) An assessment of the degree to which the original objectives of the agency program have been achieved expressed in terms of performance, impact, or accomplishments of the program and of the problem or need which it was intended to address. Such assessment shall employ procedures or methods of analysis which the Commission determines to be appropriate to the type or character of the program;

(3) A statement of the performance and accomplishments of the agency program in the last fiscal year and of the budgetary costs incurred in the operation of the program;

(4) A statement of the number and types of persons served by the agency program;

(5) A summary statement, for the last completed fiscal year, of the number, by grade, and cost of personnel employed in carrying out the agency program and a summary statement of the cost of personnel employed under contract in carrying out the program;

(6) An assessment of the degree to which the overall policies of the agency program, as expressed in the rules, regulations, orders, standards, criteria, and decisions of the agency meet the objectives of the General Assembly in establishing the program;

(7) An assessment of the effect of the agency program on the State economy including costs to consumers and businesses;

(8) An evaluation of the reporting and record-keeping requirements and activities of the agency program, including the management and control of information and records and the value of the information gathered compared to the cost to respondents, and an assessment of methods to reduce and simplify the reporting and record-keeping requirements;

(9) A summary statement of the budget and program of the agency for the current fiscal year and budget projections for the next succeeding fiscal year if the program were to be continued;

(10) An assessment of whether the agency has permitted qualified applicants to serve the public, and whether the agency has encouraged participation by the public in making its rules and decisions, as opposed to participation solely by the persons it regulates;

(11) An evaluation of the extent to which operation has been efficient and responsive to public needs;

(12) An evaluation of the extent to which complaints have been expeditiously processed to completion in the public interest; and

(13) An analysis of the services and performance estimated to be achieved if the agency or agency program were continued. (1977, c. 712, s. 8.)

§ 143-34.18. Hearings by Governmental Evaluation Commission; final action by Commission.—(a) Before submitting a report to the General Assembly concerning the performance evaluation of any program or function, the Commission shall hold one or more public hearings concerning its proposed report. The Commission shall give notice of each such public hearing and offer any person an opportunity to present data, views, and arguments. The notice shall be given at least 10 days before the public hearing and at least 20 days before the adoption or amendment of the report. The notice shall include:

(1) A reference to the statutory authority for the report (this act);

(2) The time and place of the public hearing and a statement of the manner in which data, views, and arguments may be submitted either at the hearing or at other times by any person;

(3) A statement of the terms or substance of the proposed report or a description of the subjects and issues involved.

(b) The Commission shall transmit copies of the notice to the Attorney General and all persons and agencies who have requested the Commission in writing for advance notice of proposed action which may affect them. The notices shall be in writing and shall be forwarded by mail or otherwise to the last address specified by the person.

(c) Any such notice shall be published at least once in one newspaper of general circulation in Wake County. The Commission shall also deliver a copy of the notice to the agency or agencies responsible for the program or function that is the subject of the performance evaluation.

(d) The Commission is authorized to set reasonable time limits for the oral presentation of views by any one person at any such hearing. The Commission shall permit anyone who so desires to file a written argument or other statement with it in relation to the proposed report any time within 10 days following the conclusion of any public hearing or within such additional time as it may allow by notice given as prescribed in this section.

(e) Upon completion of the hearing and consideration of submitted evidence and arguments with respect to any proposed report pursuant to this section, the Commission shall adopt its final action with respect thereto and shall file a duly certified copy thereof with the Attorney General, with the members of the General Assembly and with the agency or agencies responsible for the program or function that is the subject of the report.

(f) The procedure set forth in this section shall be a complete procedure for the report, hearings, notices, and filing requirements that are the subject of this section. The Commission and its proceedings shall be exempt from the requirements of the Administrative Procedure Act (Chapter 150A), and any other requirements of law concerning the subjects of this section including without limitation any statutory requirements concerning filing of notices or reports with the Secretary of State or the Attorney General.

(g) The Commission is authorized to meet or to hold hearings in the State Legislative Building when the General Assembly is not in session, subject to the determination by the Legislative Services Commission that space is available. (1977, c. 712, s. 9.)

§ 143-34.19. Hearings and recommendations by legislative committees of reference.—(a) Prior to the termination, continuation, or reestablishment of any such program or function a committee of reference in each house of the General Assembly shall hold a public hearing, receiving testimony from the public and the agency involved, and in such a hearing the agency shall have the burden of demonstrating a public need for the continued existence of the program or function. The "committees of reference" shall be the Senate and House Committees on State Government, respectively, or such other committees as the respective presiding officers may determine. The committees of reference may hold joint public hearings and may meet jointly to formulate their recommendations.

(b) In developing their legislative recommendations, the committees of reference shall consider the evaluation elements listed in G.S. 143-34.17; shall proceed with a view to continuing productive, efficient and active programs which are in the public interest, to eliminating inactive programs, and to eliminating or consolidating overlapping or duplicating programs; and shall consider the extent to which changes are needed in enabling laws. (1977, c. 712, s. 10.)

§ 143-34.20. Separate bills required for each agency.—No more than one agency, board, council, committee, commission, or association shall be continued or reestablished in any bill recommended under this act, and such agency, board, council, commission, or association shall be mentioned in the bill's title. (1977, c. 712, s. 11.)

§ 143-34.21. Claims against agencies not to be terminated.—This act shall not cause the dismissal of any claim or right of a citizen against any such agency or any claim or right of agency terminated pursuant to this section which is subject to litigation. (1977, c. 712, s. 12.)

Editor's note.—Session Laws 1979, c. 838, s. 123, makes this section effective July 1, 1979.

Session Laws 1979, c. 838, s. 122, contains a severability clause.

ARTICLE 1.1.

Periodic Review of Certain State Agencies.

143–34.10. Findings and purposes.

Editor's note.—For survey of 1977 administrative law affecting state government, see 56 N.C.L. Rev. 867 (1978).

Review of coastal resources commission.—Under the "Sunset" legislation, entitled "Periodic Review of Certain State Agencies," 143–34.10 et seq., the Coastal Resources Commission is subjected to review by the Governmental Evaluations Commission, § 143-34.16 and 143-34.17; to public hearings held by the Governmental Evaluations Commission, § 143-34.18; and to hearings and recommendations of legislative committees, § 143-34.19. Adams v. North Carolina Dep't of Natural & Economic Resources, 295 N.C. 683. 249 S.E.2d 402 (1978).

§ 143-34.11. Certain General Statutes provisions repealed effective July 1, 1979.—The following statutes are repealed effective July 1, 1979, (except for purposes of the winding-up period, as provided by section 5 of this act):

Chapter 87, Article 3, entitled "Tile Contractors."

Chapter 87, Article 6, entitled "Water Well Contractors."

Chapter 66, Article 9A, entitled "Private Detectives."

Chapter 93C, entitled "Watchmakers."

Chapter 74, Article 6, entitled "Mining Registration." (1977, c. 712, s. 2; 1979, c. 616, s. 9; c. 629; c. 712, s. 6; c. 713, s. 9; c. 736, s. 1; c. 740, s. 1; c. 744, ss. 1-3; c. 750, s. 1; c. 780, s. 3; c. 819, s. 7; c. 834, s. 13; c. 871, s. 2; c. 872, s. 6; c. 904, s. 15.)

Cross reference.—For statute placing a "sunset date" of July 1, 1980, on the Board of Directors of the North Carolina Specialty Hospitals, see § 143B-173, subdivision (a)(1).

Editor's note.—Session Laws 1979, c. 616, deleted Chapter 93A, "Real Estate Brokers and Salesmen," from the list of repealed statutes.

Session Laws 1979, c. 629, deleted Chapter 143B, Article 2, Part 6, "Public Librarian Certification Commission," § 125-9, "Librarian certification," and § 125-10, "Temporary certificates for public librarians," from the list of repealed statutes.

Session Laws 1979, c. 712, deleted Chapter 87, Article 5, "Refrigeration Contractors," from the list of repealed statutes.

Session Laws 1979, c. 713, deleted Chapter 87, Article 1, "General Contractors," from the list of repealed statutes.

Session Laws 1979, c. 736, deleted Chapter 143, Article 21, Part 3, "Dam, Safety," from the list of repealed statutes.

Session Laws 1979, c. 740, deleted Chapter 143B, Article 7, Part 6, "North Carolina Mining Commission," from the list of repealed statutes.

Session Laws 1979, c. 744, transferred the following statutes from this section to § 143-34.12:

Chapter 78A, Article 5, "Registration of Dealers and Salesmen" (of securities).

Chapter 81A, Article 5, "Public Weightmasters,"

Chapter 95, Article 15, "Passenger Tramways."

Chapter 74, Article 7, "The Mining Act of 1971."

Chapter 113A, Article 4, "Sedimentation Pollution Control Act of 1973."

Chapter 84, Article 4, "North Carolina State Bar."

Chapter 85C, "Bail Bondsmen and Runners."

Chapter 90A, Article 2, "Water Treatment Facility Operators."

Chapter 90A, Article 3, "Wastewater Treatment Plant Operators."

Chapter 93, entitled "Public Accountants."

Chapter 143B, Article 7, Part 8, "Sedimentation Control Commission."

Chapter 143B, Article 7, Part 9, "Wastewater Treatment Plant Operators Certification Commission."

§§ 76-1 through 76-12, relating to board of commissioners of navigation and pilotage for the Cape Fear River and Bar.

Chapter 76, Article 6, "Morehead City Navigation and Pilotage Commission."

Session Laws 1979, c.744, also deleted Chapter 90A, Article 1, "Sanitarians," in this section and added in § 143-34.12. "The Article in G.S. Chapter 90A concerning Sanitarians" and deleted in this section Chapter 71, Article 2, "North Carolina Commission on Indian Affairs," and added in § 143-34.12, Chapter 143B, Article 9, Part 15, "North Carolina State Commission on Indian Affairs."

Session Laws 1979, C.750, transferred Chapter 93, "Public Accountants," from this section.

Session Laws 1979, C.780, deleted Chapter 95, Article 5, "Regulation of Employment Agencies," from the list of repealed statutes. Session Laws 1979, c. 780, which also rewrote Article 5 of Chapter 95, provides, in s. 4: "This Article shall become effective on July 1, 1979, ..."

Session Laws 1979, c. 819 deleted Chapter 89C, "Engineering and Land Surveying," from the list of repealed statutes.

Session Laws 1979, c. 834, deleted Chapter 87, Article 2, entitled "Plumbing and Heating Contractors" from the list of repealed statutes.

Session Laws 1979, c. 871, deleted Chapter 83, "Architects," from the list of repealed statutes.

Session Laws 1979, c. 872, deleted Chapter 98A entitled "Landscape Architects," from the list of repealed statutes. Session Laws 1979, c. 872, which also amended §§ 89A-3 through 89A-6, provides, in s. 7: "This Chapter is repealed effective July 1, 1981, subject to continuation for one year after that date for a 'winding-up' period pursuant to the provisions of G.S. 143-34.14."

Session Laws 1979, C. 904, deleted Chapter 87, Article 4, entitled "Electrical Contractors" from the list of repealed statutes.

§ 143-34.12. Certain General Statutes provisions repealed effective July 1, 1981.—The following statutes are repealed effective July 1, 1981, (except for purposes of the winding-up period, as provided by G.S. 143-34.14):

Chapter 90, Article 1, entitled "Practice of Medicine."

Chapter 90, Article 2, entitled "Dentistry."

Chapter 90, Article 4, entitled "Pharmacy."

Chapter 90, Article 6, entitled "Optometry."

Chapter 90, Article 7, entitled "Osteopathy."

Chapter 90, Article 8, entitled "Chiropractic."

Chapter 90, Article 9, entitled "Nurse Practice Act."

Chapter 90, Article 10, entitled "Midwives," and Chapter 130, Article 18, entitled "Midwives."

Chapter 90, Article 11 entitled "Veterinarians."

Chapter 90, Article 12A, entitled "Podiatrists."

Chapter 90, Article 13A, entitled "Practice of Funeral Service."

Chapter 90, Article 16, entitled "Dental Hygiene Act."

Chapter 90, Article 17, entitled "Dispensing Opticians."

Chapter 90, Article 18, entitled "Physical Therapy."

Chapter 90, Article 18A, entitled "Practicing Psychologists."

Chapter 90, Article 20, entitled "Nursing Home Administration Act."

Chapter 86, entitled "Barbers."

Chapter 88, entitled "Cosmetic Art."

Chapter 108, Article 3, Part 2, entitled "Licensing of Private Institutions (maternity homes, homes for the aged and infirm, private child-care institutions)."

Chapter 110, Article 3 entitled "Control over Child-Caring Facilities," and Article 7, entitled "Day-Care Facilities."

Chapter 143B, Article 9, Part 4, entitled "Child Day-Care Licensing Commission."

Chapter 122, Article 2E, entitled "Licensing of Local Mental Health Facilities."

G.S. 122-72, entitled "Licensing and Control of Local Mental Institutions and Homes."

Chapter 130, Article 26 entitled "Regulation of Ambulance Services."

Chapter 131, Article 13A entitled "Hospital Licensing Act."

Chapter 66, Article 9 entitled "Collection of Accounts."

Chapter 66, Article 9B entitled "Motor Clubs and Associations."

Chapter 143, Article 21, entitled "Water and Air Resources," (except Part 3).

Chapter 143, Article 21A, entitled "Oil Pollution Control."

Chapter 143, Article 21B, entitled "Air Pollution Control."

Chapter 143, Article 38, entitled "Water Resources."

Chapter 143B, Article 7, Part 4, entitled "Environmental Management Commission."

Chapter 131B, entitled "Licensing of Ambulatory Surgical Facilities."

Chapter 84, Article 4, entitled "North Carolina State Bar."

Chapter 85C, entitled "Bail Bondsmen and Runners."

Chapter 90A, Article 2, entitled "Water Treatment Facility Operators."

Chapter 90A, Article 3, entitled "Wastewater Treatment Plant Operators."

Chapter 93, entitled "Public Accountants."

Chapter 78A, Article 5, entitled "Registration of Dealers and Salesmen" (of securities).

Chapter 81A, Article 5, entitled "Public Weightmasters."

Chapter 95, Article 15, entitled "Passenger Tramways."

Chapter 74, Article 7, entitled "The Mining Act of 1971."

Chapter 113A, Article 4, entitled """Sedimentation Pollution Control Act of 1973."

Chapter 143B, Article 7, Part 8, entitled "Sedimentation Control Commission."

Chapter 143B, Article 7, Part 9, entitled "Wastewater Treatment Plant Operators Certification Commission."

G.S. 76-1 through 76-12, relating to a board of commissioners of navigation and pilotage for the Cape Fear River and Bar.

Chapter 76, Article 6 entitled "Morehead City Navigation and Pilotage Commission."

The Article in Chapter 90A concerning sanitarians. Chapter 143B, Article 9, Part 15, entitled "North Carolina State Commission on Indian Affairs."

Chapter 93, entitled "Public Accountants." (1977, c. 712, s. 3; 1977, 2nd Sess., c. 1214, s. 2; 1979, c. 744, ss. 1-4; c. 750, s. 2.)

Editor's note.—The 1977, 2nd Sess., amendment, ratified June 16, 1978, and effective 90 days after ratification, added Chapter 131B to the list of repealed statutes.

Session Laws 1979, c. 744, transferred the following statutes from § 143-34.11 to this section:

Chapter 78A, Article 5, "Registration of Dealers and Salesmen" (of securities).

Chapter 81A, Article 5, "Public Weightmasters."

Chapter 95, Article 15, "Passenger Tramways."

Chapter 74, Article 7, "The Mining Act of 1971."

Chapter 113A, Article 4, The Sedimentation Pollution Control Act of 1973."

Chapter 84, Article 4 entitled "North Carolina State Bar."

Chapter 85C, "Bail Bondsmen and Runners."

Chapter 90A, Article 2, "Water Treatment Facility Operators."

Chapter 90A, Article 3, "Wastewater Treatment Plant Operators."

Chapter 93, "Public Accountants."

Chapter 143B, Article 7, Part 8, "Sedimentation Control Commission."

Chapter 143B, Article 7, Part 9, "Wastewater Treatment Plant Operators Certification Commission."

§§ 76-1 through 76-12, relating to a board of commissioners of navigation and pilotage for the Cape Fear River and Bar.

Chapter 76, Article 6, "Morehead City Navigation and Pilotage Commission."

Session Laws 1979, c. 744, also transferred from § 143-34.11 to this section the Article in G.S. Chapter 94A concerning sanitarians (formerly referred to as Chapter 90A, Article 1, "Sanitarians") and Chapter 143B, Article 9, Part 15, "North Carolina State Commission on Indian Affairs "(formerly referred to as Chapter 71, Article 2, "North Carolina Commission on Indian Affairs"). Chapter 744 also transferred from this section to § 143-34.13, Chapter 113A, Article 7, "Coastal Area Management."

Session Laws 1979, c. 750, transferred G.S. Chapter 93, entitled "Public Accountants," to this section from § 143-34.11

Session Laws 1979, c. 872, which amended §§ 89A-3 through 89A-6 and deleted Chapter 89A, "Landscape Architects," from the list of statutes repealed by § 143-34.11, provides, in s. 7: "This Chapter is repealed effective July 1, 1981, subject to continuation for one year after that date for a 'winding-up' period pursuant to the provisions of G.S. 143-34.14."

Cited in Adams v. North Carolina Dep't of Natural & Economic Resources, 295 N.C. 683, 249 S.E.2d 402 (1978).

§ 143-34.13. Certain General Statutes provisions repealed effective July 1, 1983.—The following statutes are repealed effective July 1, 1983, (except for purposes of the winding-up period, as provided by section 5 of this act):

Chapter 90, Article 22, entitled "Licensure Act for Speech and Language Pathologists and Audiologists."

Chapter 89B, entitled "Foresters."

Chapter 85B, entitled "Auctions and Auctioneers."

Chapter 74C, entitled "Private Protective Services Act."

Chapter 89B, entitled "Landscape Contractors."

Chapter 136, Article 2C, entitled "House Movers Licensing Board."

Chapter 93D, entitled "North Carolina State Hearing Aid Dealers and Fitters Board."

Chapter 104E, entitled "North Carolina Radiation Protection Act."

Chapter 106, Article 2, entitled "North Carolina Fertilizer Law of 1947."

Chapter 106, Article 4C, entitled "Structural Pest Control Act."

Chapter 106, Article 5A, entitled "Marketing of Farmers Stock Peanuts."

Chapter 106, Article 12, entitled "Food, Drugs and Cosmetics."

Chapter 106, Article 14, entitled "State Inspection of Slaughterhouses."

Chapter 106, Article 14A, entitled "Licensing and Regulation of Rendering Plants and Rendering Operations."

Chapter 106, Article 15A, entitled "Meat Grading Law."

Chapter 106, Article 17, entitled "Marketing and Branding Farm Products."

Chapter 106, Article 28A, entitled "Regulation of Milk Brought into North Carolina from other States," and Article 28B, entitled "Regulation of Production, Distribution, etc., of Milk and Cream."

Chapter 106, Article 29, entitled "Inspection, Grading, and Testing Milk and Dairy Products."

Chapter 106, Article 31, entitled "North Carolina Seed Law."

Chapter 106, Article 34, Part 10, entitled "Feeding Garbage to Swine."

Chapter 106, Article 35, entitled "Public Livestock Markets."

Chapter 106, Article 35B, entitled "Livestock Dealer Licensing Act."

Chapter 106, Article 44, entitled "Unfair Practices by Handlers of Fruits and Vegetables."

Chapter 106, Article 49, entitled "Poultry; Hatcheries; Chick Dealers."

Chapter 106, Article 51A, entitled "North Carolina Antifreeze Law of 1975."

Chapter 106, Article 53, entitled "Grain Dealers," and Article 54, entitled "Adulteration of Grains."

Chapter 113, Article 7, entitled "North Carolina Game Law of 1935."

Chapter 113, Article 17, entitled "Administrative Provisions; Regulatory Authority of Marine Fisheries Commission and Department."

Chapter 143, Article 52, Part 3, entitled "Pesticide Dealers and Manufacturers."

Chapter 143, Article 52, Part 4, entitled "Pesticide Applicators and Consultants."

G.S. 58-15, entitled "Authority over all insurance companies; no exemptions from license."

G.S. 58-40, entitled "Agencies and others must procure license."

Chapter 58, Article 4, entitled "Insurance Premium Financing."

Chapter 113A, Article 7, entitled "Coastal Area Management." (1977, c. 712, s. 4; 1979, c. 714, s. 4.)

Editor's Note.—Session Laws 1979, c. 744, transferred to this section from § 143-34.12, Chapter 113A, Article 7, "Coastal Area Management."

Session Laws 1979, c. 818, s. 2, effective July 1, 1979, substituted Chapter 74C, "Private Protective Services Act," for Chapter 74B, "Private Protective Services Act," in the list of repealed statutes.

§ 143-34.15. Governmental Evaluation Commission; creation; membership, compensation, etc.; termination.—(a) There is hereby created a temporary State commission, to be known as the Governmental Evaluation Commission, (hereinafter, "the Commission"), which shall consist of 12 members, six to be appointed by the Governor and three each to be appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The Lieutenant Governor's appointees shall be members of the Senate, and the Speaker's appointees shall be members of the House of Representatives, but no other member of the General Assembly or officer or employee of the State or spouse of any such member, officer or employee may be a member of the Commission. Commission members shall designate a chairman from among them annually. The original appointments of nonlegislator members will expire on June 30, 1980. The terms of the nonlegislator members appointed thereafter shall be three years, commencing on July 1 of the year in which the predecessor's term expired. The initial legislator-members shall be appointed after July 1, 1977; they and their successors shall serve until the expiration of the legislative terms which they are serving at the time of their appointment to the Commission and until their successors are appointed or until they cease to be members of the General Assembly, whichever occurs first. Vacancies in the positions of legislator-members shall be filled in the same manner that the vacated position was originally filled, and the person so appointed shall serve for the remainder of the unexpired term of the person whom he succeeds. Vacancies in the positions of the Governor's appointees shall be filled by the Governor for the unexpired term.

(b) Commission members who are not legislators shall receive as compensation for their services the same per diem and travel expense allowances as members of occupational licensing boards pursuant to G.S. 93B-5. Legislator-members of the Commission shall be compensated pursuant to G.S. 120-3.1

(c) The Commission shall utilize the expertise of the Attorney General and other appropriate agencies in performing its duties under this Act.

(d) The Commission is authorized to employ such clerical, technical and professional staff, and to obtain such consulting services, as the Commission deems necessary, and to defray the expenses thereof from any funds made available to it through grants, appropriations or any other source. The number of staff persons to be employed, the salary to be paid to each, the fees to be paid to consultants, and the expenditure of funds for any purpose by the Commission shall be subject to the approval of the Legislative Services Commission.

(e) Except as herein provided, Commission members shall not be permanent salaried employees of the Commission.

(f) The Commission shall terminate and the authority granted by this act shall expire on June 30, 1983. (1977, c. 712, s. 6; 1979, c. 744, s. 6.)

Editor's Note.—The 1979 amendment substituted "12 members, six to be appointed by the Governor, and three" for "10 members, six to be appointed by the Governor, and two" in the first sentence of subsection (a).

§ 143-34.16. Performance evaluation of programs scheduled for termination; changes in scheduled review of statutes; reports to General Assembly.—(a) The Governmental Evaluation Commission shall cause to be conducted a performance evaluation of each program or function scheduled for termination under this Article. The agency responsible for each program or function under review shall provide the Commission with the following information:

(1) The identity of all agencies or subunits under the direct or advisory control of the agency whose program is under review;

(2) All powers, duties, and functions currently performed by the agency whose program is under review, or that are currently inactive;

(3) All constitutional, statutory, or other authority under which said powers, duties, and functions of the agency are carried out;

(4) Any powers, duties, or functions which, in the opinion of the agency under review, are being performed and duplicated to any extent by another agency within the State including the manner in which, and the extent to which, this duplication of efforts is occurring and any recommendations as to eliminating such a situation:

(5) Any powers, duties, or functions which, in the opinion of the agency under review, are inconsistent with current and projected public demands and should be terminated or altered; and

(6) Any other information which the Commission in its discretion feel is necessary and proper in carrying out it duties to review.

(b) In conducting the evaluations, the Commission shall take into consideration, but not be limited to considering, the factors listed in G.S. 143-34.17. Upon completion of the evaluation, the Commission shall submit a report to the General Assembly, including the Commission's recommendation as to whether the program or function in question should be terminated, reconstituted, reestablished, or continued, with or without modification of the relevant statutes, and whether the responsible agency should be terminated, reconstituted, reestablished, or continued, with or without modification of the relevant statutes. The Commission shall hold public hearings as provided in G.S. 143-34.18 for the purpose of reviewing its proposed report. A copy of the report shall be made available to each member of the General Assembly at least six months prior to the scheduled date of termination under G.S. 143-34.11 to 143-34.13.

(c) The Commission may review related programs or functions not scheduled for termination which, in the Commission's judgement, should be consolidated or better coordinated with programs scheduled for termination, and as a result of such review the Commission may recommend legislation providing for consolidation or coordination of related programs or for additional related programs to be scheduled for termination.

(d) The Commission may change from one biennium to another the scheduled review of any statute enumerated in G.S. 143-34.11, 143-34.12, or 143-34.13 in order to facilitate the coordinated review of related programs, or to permit an earlier review of any program than is now scheduled pursuant to those sections. The Commission shall report any such schedule change to the ensuing General Assembly and shall recommend that the change be reflected by appropriate amendments to this Article.

(e) The Commission may make such further reports to the General Assembly as it deems appropriate. (1977, c. 712, s. 7; 1979, c. 744, s. 5.)

Editor's note.—The 1979 amendment added subsections (d) and (e).

Cited in Adams v. North Carolina Dep't of Natural & Economic Resources, 295 N.C. 683, 249 S.E.2d 402 (1978).

§ 143-34.17. Evaluation elements.

Cited in Adams v. North Carolina Dep't of Natural & Economic Resources, 295 N.C. 683, 249 S.E.2d 402 (1978).

§ 143-34.18. Hearings by Governmental Evaluation Commission; final action by Commission.

Cited in Adams v. North Carolina Dep't of Natural & Economic Resources, 295 N.C. 683, 249 S.E.2d 402 (1978).

§ 143-34.19. Hearings and recommendations by legislative committees of reference.

(b) In developing their legislative recommendations, the committees of reference shall proceed with a view to continuing productive, efficient and active programs which are in the public interest, to eliminating inactive programs, and to eliminating or consolidating overlapping or duplicating programs; and shall consider the extent to which changes are needed in enabling laws. (1977, c. 712, s. 10; 1979, c. 744, s. 7.)

Editor's note.—The 1979 amendment deleted "shall consider the evaluation elements listed in G.S. 143-34.17;" following "committees of reference" near the beginning of subsection (b).

As subsection (a) was not changed by the amendment it is not set out.

OKLAHOMA

SUNSET LAW

Okla. Stat. Ann. tit. 74, § 3901 et seq. (1980-81 Cum. Ann. Pocket Part)

CHAPTER 58.—SUNSET LAW [NEW]

Sec.
3901. Short title.
3902. Definitions.
3903. Termination of certain statutory entities July 1, 1978—Abolition of powers, duties and functions July 1, 1979.
3904. Termination of certain statutory entities July 1, 1979—Abolition of powers, duties and functions July 1, 1980.
3905. Termination of certain statutory entities July 1, 1980—Abolition of powers, duties and functions July 1, 1981.
3906. Termination of certain statutory entities July 1, 1981—Abolition of powers, duties and functions July 1, 1982.
3907. Termination of certain statutory entities July 1, 1982—Abolition of powers, duties and functions July 1, 1983.
3908. Termination of certain statutory entities July 1, 1983—Abolition of powers, duties, and functions July 1, 1984.
3909. One-year period for ceasing affairs—Abolition—Transfer of funds to general revenue fund—Payment of debts—Equipment and supplies—Other obligations.
3910. Review and evaluation of statutory entity by review committee.
3911. Time for review—Recreation—Effect.
3912. Continuation of consolidation subject to modification—Transfer of functions, powers, duties, personnel.
3913. Continuation of orders, rules, regulations, licenses, etc.—Revenue bonds—Actions and judicial proceedings—Continuation of proceedings.
3914. Hearings—Burden of establishing public need—Information for review committee.
3915. Evaluation by review committee—Functions.
3916. Information by State Examiner and Inspector.
3917. Review and approval of prospective statutory entities.
3918. Authority to terminate at earlier date.
3919. Entities created by executive order—Review every four years.

§ 3901. Short title.

This act shall be known as the "Oklahoma Sunset Law."
Added by Laws 1977, c. 9, § 1, emerg. eff. March 10, 1077.

Sections 20 and 21 of Laws 1977, ch. 9, provided for codification and severability, respectively.

Title of act

An Act relating to the state government; defining terms; providing for the termination, recreation, modification or consolidation of certain statutory agencies; providing a schedule of statutory agencies and dates of termination; providing for review and evaluation of certain agencies; providing for certain procedures; providing time limitations; providing for certain recommendations; providing for public hearings; providing criteria for certain determinations; requiring the presentation of certain information; preserving certain powers, duties and functions for specified periods of time; providing for transfers of certain powers, funds, functions and obligations; exempting certain entities from termination under certain circumstances; providing procedure for creation of prospective agencies; providing for review of certain entities created by executive order; providing for legislative action other than specified; directing codification; making provisions severable; and declaring an emergency. Laws 1977, c. 9.

Library references

States 🔑 44, 45.
C.J.S. States §§ 52, 55, 56.

§3902. Definitions

As used in this act and unless the context otherwise requires:

1. "Statutory entity" means any department, agency, commission, board or other regulatory instrumentality of state government created and continued in existence by statute or legislative resolution whether or not funds are appropriated to it; and

2. "Termination date" means the date provided for termination of legislative authority for the existence of a particular entity as provided for in this act.

Added by Laws 1977, c. 9, §2, emerg. eff. March 10, 1977.

§3903. Termination of certain statutory entities July 1, 1978—Abolition of powers, duties and functions July 1, 1979

The following statutory entities and their successors shall be terminated on July 1, 1978, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. Elmer Thomas Memorial Commission as created by Section 241 of Title 53 of the Oklahoma Statutes;

2. Lynn Riggs Memorial Commission as created by Section 84 of Title 53 of the Oklahoma Statutes;

3. State Board of Electrology as created by Section 801 of Title 59 of the Oklahoma Statutes;

4. Wage and Hour Commission as created by Section 197.3 of Title 40 of the Oklahoma Statutes;

5. Department of Emergency Resources Management as created by Sections 683.2 and 683.5 of Title 63 of the Oklahoma Statutes;

6. Oklahoma Emergency Resources Planning Committee as created by Section 683.7 of Title 63 of the Oklahoma Statutes;

7. Indian Hardrock Mining Museum Commission as created by Section 342 of Title 53 of the Oklahoma Statutes;

8. Water Conservation Storage Commission as created by Section 1058.1 of Title 82 of the Oklahoma Statutes;

9. Oklahoma State Committee of Plumbing Examiners as created by Section 1004 of Title 59 of the Oklahoma Statutes;

10. Eastern Trails Museum Commission as created by Section 302 of Title 53 of the Oklahoma Statutes;

11. Commission on Special Events as created by Section 261 of Title 53 of the Oklahoma Statutes;

12. Pawnee Indian Veterans Historical Commission as created by Section 281 of Title 53 of the Oklahoma Statutes;

13. Water and Sewage Works Operators Certification Advisory Council as created by Section 1103 of Title 59 of the Oklahoma Statutes;

14. Ottawa Reclamation Authority and its Board of Directors as created by Sections 801 and 803 of Title 45 of the Oklahoma Statutes;

15. Occupational Health and Safety Standards Commission as created by Section 405 of Title 40 of the Oklahoma Statutes;

16. Oklahoma Unclaimed Property Board as created by Section 669 of Title 60 of the Oklahoma Statutes;

17. Special Agency Account Board as created by Section 7.2 of Title 62 of the Oklahoma Statutes;

18. Technical Advisory Commission (to Division of Data Processing Planning) as created by Section 118.5 of Title 74 of the Oklahoma Statutes;

19. Advisory Council (to the Department of Labor concerning private employment agencies) as created by Section 56 of Title 40 of the Oklahoma Statutes;

20. State Board of Examiners of Official Shorthand Reporters as created by Section 1501 of Title 20 of the Oklahoma Statutes; and

21. Board of Health and Safety Compliance and Appeals as created by Section 411 of Title 40 of the Oklahoma Statutes.

Added by Laws 1977, c. 9, §3, emerg. eff. March 10, 1077.

§3904. Termination of certain statutory entities July 1, 1979—Abolition of powers, duties and functions July 1, 1980

The following statutory entities shall be terminated on July 1, 1979, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. J. M. Davis Memorial Commission as created by Section 201 of Title 53 of the Oklahoma Statutes;

2. Jim Thorpe Memorial-Oklahoma Athletic Hall of Fame Commission as created by Section 64.2 of Title 53 of the Oklahoma Statutes;

3. Western Plains Indians Arts and Crafts Commission as created by Section 141 of Title 53 of the Oklahoma Statutes;

4. Oklahoma Historical Day Committee as created by Section 21 of Title 53 of the Oklahoma Statutes;

5. State Board of Cosmetology as created by Section 199.2 of Title 59 of the Oklahoma Statutes;

6. State Board of Barber Examiners as created by Section 61 of Title 59 of the Oklahoma Statutes;

7. Oklahoma Real Estate Commission as created by Section 858-201 of Title 59 of the Oklahoma Statutes;

8. State Dry Cleaners' Board as created by Section 742 of Title 59 of the Oklahoma Statutes;

9. State Board of Examiners of Psychologists as created by Section 1354 of Title 59 of the Oklahoma Statutes;

10. Special Armory Construction Board as created by Section 233.1 of Title 44 of the Oklahoma Statutes;

11. Awards and Decorations Board as created by Section 195.4 of Title 44 of the Oklahoma Statutes;

12. Oklahoma Commission on the Deaf and Hearing Impaired as created by Section 2402 of Title 63 of the Oklahoma Statutes;

13. Alcohol Prevention, Training, Treatment and Rehabilitation Authority as created by Section 2109 of Title 63 of the Oklahoma Statutes;

14. Alcoholism Advisory Council as created by Section 2115 of Title 63 of the Oklahoma Statutes; and

15. Will Rogers Memorial Commission as created by Section 41 of Title 53 of the Oklahoma Statutes.

Added by Laws 1977, c. 9, §4, emerg. eff. March 10, 1977.

§3905. Termination of certain statutory entities July 1, 1980—Abolition of powers, duties and functions July 1, 1981

The following statutory entities shall be terminated on July 1, 1980, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. State Review Board (for Oklahoma Firemen's Relief and Pension Laws) as created by Section 390 of Title 11 of the Oklahoma Statutes;
2. Oklahoma Factory Manufactured Mobile Home Board as created by Section 2454 of Title 63 of the Oklahoma Statutes;
3. State Board of Registration for Professional Engineers and Land Surveyors as created by Section 475.3 of Title 59 of the Oklahoma Statutes;
4. Oklahoma State Board of Public Accountancy as created by Section 15.2 of Title 59 of the Oklahoma Statutes;
5. The Board of Governors of the Licensed Architects of Oklahoma as created by Section 45.5 of Title 59 of the Oklahoma Statutes;
6. Oklahoma State Board of Embalmers and Funeral Directors as created by Section 396 of Title 59 of the Oklahoma Statutes;
7. State Mining Board as created by Section 1 of Title 45 of the Oklahoma Statutes;
8. Board of Hearing Aid Dealers and Fitters as created by Section 1551 of Title 59 of the Oklahoma Statutes;
9. Council on Law Enforcement Education and Training as created by Section 3311 of Title 70 of the Oklahoma Statutes;
10. Oklahoma Center for Criminal Justice Board as created by Section 203 of Title 74 of the Oklahoma Statutes;
11. Board of Medicolegal Investigations as created by Section 931 of Title 63 of the Oklahoma Statutes;
12. Medical Research Commission as created by Section 47.1 of Title 63 of the Oklahoma Statutes;
13. Santa Claus Commission as created by Section 361 of Title 10 of the Oklahoma Statutes;
14. Division of the Bartlesville Energy Research Center as created by Section 2003.1 of Title 74 of the Oklahoma Statutes;
15. Carl Albert Memorial Commission as created by Section 321 of Title 53 of the Oklahoma Statutes;
16. State Arts Council of Oklahoma as created by Section 163 of Title 53 of the Oklahoma Statutes;
17. Surplus Facilities Board as created by Section 235 of Title 44 of the Oklahoma Statutes; and
18. Oklahoma Liquefied Petroleum Gas Board as created by Section 420.3 of Title 52 of the Oklahoma Statutes.

Added by Laws 1977, c. 9, §5, emerg. eff. March 10, 1977. Amended by Laws 1979, c. 115, §2.

§3906. Termination of certain statutory entities July 1, 1981—Abolition of powers, duties and functions July 1, 1982

The following statutory entities shall be terminated on July 1, 1981, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. Board of Registration for Social workers as created by Section 1253 of Title 59 of the Oklahoma Statutes;

2. State Board of Registration for Foresters as created by Section 1203 of Title 59 of the Oklahoma Statutes;
3. Polygraph Examiners Board as created by Section 1455 of Title 59 of the Oklahoma Statutes;
4. Oklahoma Crime Commission as created by Section 8.1 of Title 74 of the Oklahoma Statutes;
5. State Fire Marshal Commission as created by Section 324.1 of Title 74 of the Oklahoma Statutes;
6. Commission on Fire Protection Personnel Standards and Education as created by Section 1551 of Title 74 of the Oklahoma Statutes;
7. Pollution Control Coordinating Board as created by Section 932 of Title 82 of the Oklahoma Statutes;
8. Air Quality Council as created by Section 2002 of Title 63 of the Oklahoma Statutes;
9. State Department of Pollution Control as created by Section 932 of Title 82 of the Oklahoma Statutes;
10. Department of Economic and Community Affairs as created by Section 1522 of Title 74 of the Oklahoma Statutes;
11. Department of Industrial Development as created by Section 2002 of Title 74 of the Oklahoma Statutes;
12. Solid Waste Management Advisory Committee as created by Section 2254 of Title 63 of the Oklahoma Statutes;
13. Oklahoma Industrial Development Commission as created by Section 2001 of Title 74 of the Oklahoma Statutes;
14. State Burial Board as created by Section 203 of Title 8 of the Oklahoma Statutes;
15. Commission for Training for Municipal Clerks, Treasurers and Finance Officers as created by Section 547.3 of Title 11 of the Oklahoma Statutes; and
16. State Employees Group Health and Life Insurance Board as created by Section 1304 of Title 74 of the Oklahoma Statutes; Added by Laws 1977, c. 9, § 6, emerg. eff. March 10, 1977.

§ 3907. Termination of certain statutory entities July 1, 1982—Abolition of powers, duties and functions July 1, 1983

The following statutory entities shall be terminated on July 1, 1982, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. Oklahoma Child Guidance Board as created by Section 1-220 of Title 63 of the Oklahoma Statutes;
2. Governor's Committee on Employment of the Handicapped as created by the authority of Sections 302 and 303 of Title 40 of the Oklahoma Statutes;
3. The State of Oklahoma Building Bonds Commission as created by Section 57.1 of Title 62 of the Oklahoma Statutes;
4. Department of Registration (For Professional Sanitarians) as created by Section 901 of Title 59 of the Oklahoma Statutes;
5. Board of Examiners for Speech Pathology and Audiology as created by Section 1607 of Title 59 of the Oklahoma Statutes;
6. State Board of Veterinary Medical Examiners as created by Section 698.3 of Title 59 of the Oklahoma Statutes;
7. Oklahoma Board of Private Schools as created by Section 21-102 of Title 70 of the Oklahoma Statutes;

8. Board of Chemical Tests for Alcoholic Influence as created by Section 759 of Title 47 of the Oklahoma Statutes;
9. State Anatomical Board as created by Section 91 of Title 63 of the Oklahoma Statutes;
10. Oklahoma State Board of Nursing Homes as created by Section 330.52 of Title 63 of the Oklahoma Statutes;
11. Physician Manpower Training Commission as created by Section 697.2 of Title 70 of the Oklahoma Statutes;
12. Drug Treatment and Rehabilitation authority as created by Sections 652 and 653 of Title 43A of the Oklahoma Statutes;
13. Oklahoma Peanut Commission as created by Section 1103 of Title 2 of the Oklahoma Statutes;
14. Pork Commission (for the Utilization, Research and Market Development of Pork) as created by Section 1202 of Title 2 of the Oklahoma Statutes;
15. Sheep and Wool Commission (for the Utilization, Research and Market Development of Sheep and Wool) as created by Section 1502 of Title 2 of the Oklahoma Statutes;
16. Oklahoma Pecan Commission as created by Section 1553 of Title 2 of the Oklahoma Statutes;
17. Wheat Commission (for the Utilization, Research and Market Development of Wheat) as created by Section 1022 of Title 2 of the Oklahoma Statutes;
18. The Work Experience for the Handicapped Committee as created and described by Section 351 of Title 40 of the Oklahoma Statutes;
19. Committee on Purchases of Products and Services of the Severely Handicapped as created by Section 3001 of Title 74 of the Oklahoma Statutes; and
20. Board of Examiners in Optometry as created by Section 582 of Title 59 of the Oklahoma Statutes.

Added by Laws 1977, c. 9, § 7, emerg. eff. March 10, 1977.

§ 3908. Termination of certain statutory entities July 1, 1983—Abolition of powers, duties and functions July 1, 1984

The following statutory entities shall be terminated on July 1, 1983, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. State Board of Medical Examiners as created by Section 481 of Title 59 of the Oklahoma Statutes;
2. Board of Osteopathy as created by Section 624 of Title 59 of the Oklahoma Statutes;
3. Board of Chiropractic Examiners as created by Section 161 of Title 59 of the Oklahoma Statutes;
4. Oklahoma State Board of Chiropody as created by Section 137 of Title 59 of the Oklahoma Statutes;
5. Oklahoma Educational Television Authority as created by Section 23-105 of Title 70 of the Oklahoma Statutes;
6. Oklahoma Education Council as created by Section 3801 of Title 74 of the Oklahoma Statutes;
7. State Accrediting Agency as created by Section 241 of Title 72 of the Oklahoma Statutes;
8. Oklahoma Health Planning Commission as created by Section 1-112 of Title 63 of the Oklahoma Statutes;

9. Health Sciences Center Planning Committee as created by Section 3306.15 of Title 70 of the Oklahoma Statutes;

10. Public Employees Relations Board as created by Section 548.4-1 of Title 11 of the Oklahoma Statutes;

11. Oklahoma State Ethics Commission as created by Section 1408 of Title 74 of the Oklahoma Statutes;

12. Wage Adjustment and Salary Board as created by Section 817.3 of Title 74 of the Oklahoma Statutes;

13. Professional Practices Commission as created by Section 6-116 of Title 70 of the Oklahoma Statutes;

14. Professional Standards Board for the State of Oklahoma as created by Section 6-123 of Title 70 of the Oklahoma Statutes;

15. State Department of Energy as created by Section 3361 of Title 74 of the Oklahoma Statutes;

16. Capitol-Medical Center Improvement and Zoning Commission as created by Section 83.1 of Title 73 of the Oklahoma Statutes;

17. Archives and Records Commission as created by Section 564 of Title 74 of the Oklahoma Statutes;

18. Transfer Board as created by Section 41.12 of Title 62 of the Oklahoma Statutes;

19. State Depository Board as created by Section 71 of Title 62 of the Oklahoma Statutes;

20. Oklahoma Military Historical Commission as created by Section 221 of Title 53 of the Oklahoma Statutes; and

21. State Emergency Fund Board as created by Section 139.44 of Title 62 of the Oklahoma Statutes;

Added by Laws 1977, c. 9, § 8, emerg. eff. March 10, 1977.

Library references

States ⇨ 44, 45.
C.J.S. States §§ 52, 55, 56.

§ 3909. One-year period for ceasing affairs—Abolition—Transfer of funds to general revenue fund—Payment of debts—Equipment and supplies—Other obligations

A. Any statutory entity listed in Sections 3 through 8 of this act which is terminated shall have a period of one (1) year after its termination date for the purpose of ceasing its affairs and termination shall not reduce or otherwise limit the powers, duties or functions of said entity. Upon the expiration of the one-year period, the entity and its personnel positions shall be abolished.

B. One (1) year after the termination date of a statutory entity, the State Treasurer shall transfer all funds of that entity to the General Revenue Fund. Provided, that all debts of that entity shall be paid by the State Treasurer from the funds of that statutory entity. All equipment, files, fixtures, furniture and supplies of the terminated entity shall be transferred to the State Board of Public Affairs to be stored or disposed of as specified by law. Any other outstanding obligations or functions remaining to be performed after termination of an entity shall be performed by the State Board of Public Affairs until provisions are made for such obligations or functions by the Legislature.

Added by Laws 1977, c. 9, § 9, emerg. eff. March 10, 1977.

§ 3910. Review and evaluation of statutory entity by review committee

Upon assignment by the presiding officer of each house, the appropriate standing committee from each house meeting jointly during the legislative session or the appropriate interim committee of the Legislative Council, as provided for in the rules of the respective houses, and hereinafter called the review committee, shall be charged with reviewing and evaluating any statutory entity or entities assigned to said committee to determine if a terminated entity shall be recreated.

Added by Laws 1977, c. 9, § 10, emerg. eff. March 10, 1977.

§ 3911. Time for review—Recreation—Effect

A. Legislative committee review of any statutory entity shall commence before July 1 of the calendar year prior to its respective termination date as enumerated in Sections 3 through 8 of this act [1] and shall conclude with a recommendation prior to the following legislative session as to whether the statutory entity shall be recreated.

B. After a statutory entity has been recreated by the Legislature, it shall not be necessary to reappoint any member of the governing board or commission of said statutory entity, and said members shall complete their original terms without reappointment or reconfirmation.

Added by Laws 1977, c. 9, § 11, emerg. eff. March 10, 1977.

[1] Sections 3903 to 3908 of this title.

§ 3912. Continuation or consolidation subject to modification—Transfer of functions, powers, duties, personnel

If an entity is recommended by the review committee to be continued or consolidated, subject to modification, the review committee shall submit to the State Legislature a recommendation for the orderly transfer of such functions, powers, duties and personnel, if any, to such other governmental entity as the review committee determines could most efficiently carry out such functions, powers and duties. Such recommendation shall be made on or before January 1 prior to the date of termination as set out in Sections 3 through 8 of this act.[1]

Added by Laws 1977, c. 9, § 12, emerg. eff. March 10, 1977.

[1] Section 3903 to 3908 of this title.

§ 3913. Continuation of orders, rules, regulations, licenses, etc.—Revenue bonds—Actions and judicial proceedings—Continuation of proceedings

A. All orders, determinations, rules, regulations, permits, certificates, licenses, contracts, rates and privileges which have been issued, made, granted or allowed to become effective by a statutory entity abolished by this act or by any provision of law affected by this act, shall continue in effect according to their terms until terminated or modified by operation of law.

B. Notwithstanding any other provisions of this act any revenue bonds heretofore or hereafter issued or sold by a statutory entity shall remain in full force and effect, and no such statutory entity shall be terminated under the terms of this act until such outstanding revenue bonded indebtedness has been satisfied.

C. No suit, action or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity, or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this act, but the court, unless it determines that the survival of such suit, action or other proceedings is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

D. No administrative action or any judicial proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this act. Any such cause of action pending on the date the entity is terminated or that is commenced during the termination period shall be prosecuted or defended in the name of the state by the Attorney General if it would have been his duty to so prosecute or defend had the statutory entity been recreated.

Added by Laws 1977, c. 9, § 13, emerg. eff. March 10, 1977.

§ 3914. Hearings—Burden of establishing public need—Information for review committee

When any statutory entity is under review by a review committee, according to the provisions of Section 10 of this act,[1] all committee hearings shall be open to the public. All said entities shall bear the burden of establishing that a sufficient public need is present which justifies their continued existence and all said entities shall provide the reviewing committee with the following information:

1. A zero-based operating budget review and analyis, including a summary of all income and expenditures;

2. The identity of all units and subunits under the direct or advisory control of the statutory entity under review.

3. All powers, duties and functions currently performed by the statutory entity under review;

4. All statutory or other authority under which said powers, duties and functions of the statutory entity are carried out;

5. Any powers, duties or functions which, in the opinion of the statutory entity under review, are being performed and duplicated by another statutory entity within the state including the manner in which, and the extent to which, this duplication of efforts, is occurring and any recommendations as to eliminating such a situation;

6. Any powers, duties or functions which, in the opinion of the statutory entity under review, is consistent with current and projected public demands and should be terminated or altered; and

7. Any other information which the review committee, in its discretion, feels is necessary and proper in carrying out its review and evaluative duties.

Added by Laws 1977, c. 9, § 14, emerg. eff. March 10, 1977.

---

[1] Section 3910 of this title.

§ 3915. Evaluation by Review Committee—Functions

In evaluating each statutory entity the review committee shall consider factors including, but not limited to:

1. The extent to which statutory changes have been recommended which would benefit the statutory entity;
2. The extent to which operation of the statutory entity has been efficient and responsive to public needs;
3. The extent to which the public has been encouraged to participate in rule- and decision-making as opposed to participation solely by persons regulated;
4. The extent to which complaints have been expeditiously processed to completion in the public interest;
5. The extent to which affirmative action requirements of state and federal statutes and consitutions have been complied with by the agency or the industry it regulates;
6. An identification of other statutory entities having the same or similar objectives along with a comparison of the cost and effectiveness of said statutory entities and by duplication of the statutory entity under review;
7. An examination of the extent to which the objectives of the statutory entity have been achieved in comparison with the objectives as intially set forth in the enabling legislation and an analysis of any significant variance between project and actual performance;
8. A specification, to the extent feasible, in quantitative terms, of the objectives of said statutory entity for the next six (6) years; and
9. An examination of the impact of said statutory entity on the economy of the state.

Added by Laws 1977, c. 9, § 15, emerg. eff. March 10, 1977.

§ 3916. Information by State Examiner and Inspector

The State Examiner and Inspector shall furnish, upon request of the reviewing and evaluating committees, and relevant information, including the results of prior audits and reviews of any statutory entity under review.

Added by Laws 1977, c. 9, § 16, emerg. eff. March 10, 1977.

§ 3917. Review and approval of prospective statutory entities

After the effective date of this act, any prospective statutory entity shall first be subject to review and approval by the review committee before submission to the Legislature for consideration. Provided that, any agency enumerated in this act or created after the effective date of this act shall not continue in existence for more than six (6) years.

Added by Laws 1977, c. 9, § 17, emerg. eff. March 10, 1977.

§ 3918. Authority to terminate at earlier date

Nothing in this act shall be construed to prohibit the Legislature from terminating a statutory entity covered by these provisions at a date earlier than that provided herein, nor to prohibit the Legislature from considering any other legislation relative to such statutory entity.

Added by Laws 1977, c. 9, § 18, emerg. eff. March 10, 1977.

§ 3919. Entities created by executive order—Review every four years

A. The following entities heretofore created by executive order and any other such entities heretofore or hereafter so created shall be subject to review by the Legislature at least once every four (4) years coterminous with each Governor:

1. Governor's Advisory Council on Spanish American Relations
2. Governor's Commission on the Status of Women
3. Governor's Committee on Children and Youth
4. Governor's Committee to Combat Cancer
5. Governor's Advisory Task Force on Flood Control
6. Governor's Advisory Council on Energy
7. Governor's Agriculture Advisory Committee
8. Emergency Medical Services Coordinating Committee
9. Governor's Tourism Coordinating Council
10. Governor's Advisory Committee on Indian Affairs
11. Advisory Commission on Status of Family
12. Special Advisory Committee on Vocational Rehabilitation
13. Governor's Council on Physical Fitness
14. Task Force on Small Business Opportunities
15. Advisory Council on Regional Education
16. Student Internship Program
17. Welfare Committee's Advisory Commission on Medical Care
18. Keep Oklahoma Beautiful
19. Oklahoma Disaster Relief Plan
20. Oklahoma Organized Crime Prevention Council

B. The reviews shall commence in the order enumerated herein with at least one-fourth being completed each year. The first of such reviews shall be completed on or before July 1, 1979, and succeeding reviews shall be completed on or before July 1 of the first year of each succeeding Governor's term. The review criteria to be used shall be the same as that used in the review of the statutory entities as contained in Sections 3 through 8 of this act.[1] Following the review of the entities created by executive order, the Legislature shall by concurrent resolution recommend whether entities created by executive order should be continued in existence, terminated or modified or consolidated with other such entities by the Governor.

[1] Sections 3903 to 3908 of this title.

C. Within fifteen (15) days of the convening of the Legislature each year, the Governor shall file a report, with the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Department of Libraries, consisting of a list of all entities created by executive order and a financial statement of all expenditures and of all moneys expended in behalf of and by such entities.

From and after the effective date of this act no moneys shall be appropriated to, or expended by, any entity created by executive order until such entity has been established by statute.

Added by Laws 1977, c. 9, § 19, emerg. eff. March 10, 1977.

OREGON

DETERMINATION OF PUBLIC NEED FOR CERTAIN STATE AGENCIES

Oreg. Rev. Stat. § 182.605 et seq. (1977)

DETERMINATION OF PUBLIC NEED FOR CERTAIN STATE AGENCIES

182.605 Definitions for ORS 182.605 to 182.635. As used in ORS 182.605 to 182.635, "agency" means:

(1) The State Board of Accountancy created under ORS chapter 673.

(2) The State Department of Agriculture relating to duties under ORS chapters 576, 618, 621 and 634.

(3) The State Board of Architect Examiners created under ORS chapter 671.

(4) The State Board of Auctioneers created under ORS chapter 698.

(5) The Oregon State Bar created under ORS chapter 9.

(6) The Board of Barber Examiners created under ORS chapter 690 (1975 Replacement Part).

(7) The Billing, Factoring and Collection Agencies Board created under ORS chapter 697, and the Real Estate Commissioner and Real Estate Division of the Department of Commerce relating to duties under ORS chapter 697.

(8) The Board of Boiler Rules created under ORS chapter 480, and the Department of Commerce relating to duties under ORS chapter 480.

(9) The Builders Board created under ORS chapter 701.

(10) The State Board of Chiropractic Examiners created under ORS chapter 684.

(11) The State Board of Cosmetic Therapy created under ORS chapter 691 (1975 Replacement Part).

(12) The State Board of Dental Examiners created under ORS chapter 679.

(13) The Electrical Advisory Board created under ORS chapter 479, and the Director of Commerce relating to duties under ORS chapter 479.

(14) The State Board of Engineering Examiners created under ORS chapter 672.

(15) The State Board of Funeral Directors and Embalmers created under ORS chapter 692.

(16) The Advisory Council to the Health Division on Hearing Aids created under ORS chapter 694, and the Health Division of the Department of Human Resources relating to duties under ORS chapter 694.

(17) The Insurance Commissioner relating to duties under ORS chapter 744.

(18) The State Board of Landscape Architect Examiners created under ORS chapter 671.

(19) The State Landscape Contractors Advisory Board created under ORS chapter 671, and the Director of Commerce relating to duties under ORS chapter 671.

(20) The Oregon Liquor Control Commission created under ORS chapter 471.

(21) The State Marine Board relating to duties under ORS 488.400 to 488.430.

(22) The State Board of Masseurs created under ORS chapter 687.

(23) The Board of Medical Examiners for the State of Oregon created under ORS chapter 677.

(24) The Naturopathic Board of Examiners created under ORS chapter 685.

(25) The Oregon State Board of Nursing created under ORS chapter 678.

(26) The Board of Examiners of Nursing Home Administrators created under ORS chapter 678, and the Health Division of the Department of Human Resources relating to duties under ORS chapter 678.

(27) The Oregon Board of Optometry created under ORS chapter 683.

(28) The State Board of Pharmacy created under ORS chapter 689.

(29) The Physical Therapist Licensing Board created under ORS chapter 688.

(30) The Oregon Board of Pilot Commissioners created under ORS chapter 776.

(31) The State Board of Plumber Examiners created under ORS chapter 693.

(32) The State Board of Podiatry Examiners created under ORS chapter 682.

(33) The Board on Police Standards and Training created under ORS chapter 181.

(34) The State Board of Psychologist Examiners created under ORS chapter 675.

(35) The Oregon Racing Commission created under ORS chapter 462.

(36) The Real Estate Commissioner, Real Estate Division of the Department of Commerce and Real Estate Board created under ORS chapter 696.

(37) The Sanitarians Registration Board created under ORS chapter 700.

(38) The State Board of Examiners for Speech Pathology and Audiology created under ORS chapter 681.

(39) The State Board of Tax Service Examiners created under ORS chapter 673.

(40) The Teacher Standards and Practices Commission created under ORS chapter 342.

(41) The State Television and Radio Service Advisory Board created under ORS chapter 702, and the Director of Commerce relating to duties under ORS chapter 702.

(42) The Oregon State Veterinary Medical Examining Board created under ORS chapter 686.

(43) The State Board of Watchmakers created under ORS chapter 695.

(44) The Water Resources Department relating to duties under ORS 537.747 to 537.762.

[1977 c.842 § 1]

182.615 Legislative review of public need for certain state agencies. The President of the Senate and the Speaker of the House of Representatives acting jointly shall refer review of an agency to an appropriate interim committee. The committee shall review the agency, hold a public hearing and determine whether an agency has demonstrated a public need for its continued existence in accordance with ORS 182.625. The committee shall submit its recommendations or proposed legislation to the President and the Speaker for distribution to the Legislative Assembly so as to allow a thorough review of the recommendations or proposed legislation not later than 18 months before the repeal date of the agency. [1977 c.842 § 47]

1982.625 Evidence and factors to be used to determined public need; hearing. (1) Before submitting its recommendations or proposed legislation to the President of the Senate and the Speaker of the House of Representatives, the interim committee reviewing the agency shall hold a public hearing, receiving testimony from the public and the agency. At the hearing the agency shall have the burden of demonstrating a public need for its continued existence. The agency, before the hearing, shall furnish the committee with:

(a) A statement of why the exercise of its power is necessary to protect the public health, safety or welfare;

(b) A statement of specific and detailed objectives of the agency scheduled for repeal;

(c) A statement of conclusions as to the effectiveness of the agency's program or programs in meeting the stated objectives;

(d) Recommendations with respect to any changes or additional legislative action considered necessary or desirable in carrying out the agency's program or programs; and

(e) A listing of principal models, analyses or studies supporting the conclusions and recommendations provided pursuant to paragraphs (b) and (c) of this subsection.

(2) The interim committee, in determining whether an agency has demonstrated a public need for its continued existence, shall consider the following factors:

(a) Whether the absence of regulation would significantly harm or endanger the public health, safety or welfare;

(b) Whether there is a reasonable relationship between the exercise of the state's offical power and the protection of the public health, safety or welfare;

(c) Whether there is another less restrictive method of regulation available which could adequately protect the public;

(d) Whether the regulation has the effect of directly or indirectly increasing the cost of any goods or services involved, and if so, to what degree;

(e) Whether the increase in cost is more harmful to the public than the harm which could result from the absence of regulation;

(f) The extent to which the agency has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, rules, procedures and practices of the agency;

(g) The extent to which the agency has permitted qualified applicants for an occupational or professional license, certificate or registration to serve the public;

(h) The extent to which the agency has recommended statutory changes to the Legislative Assembly to benefit the public;

(i) The extent to which the agency has required the persons it regulates to report to it concerning the impact on the public of rules and decisions of the agency regarding improved service, and economy and availability of service;

(j) The extent to which persons regulated by the agency have been required to assess problems in their industry which affect the public;

(k) The extent to which the agency has encouraged participation by the public in making its rules and decisions;

(l) The efficiency with which formal public complaints filed with the agency concerning persons subject to regulation have been processed to completion by the agency;

(m) The extent to which affirmative action requirements of state and federal statutes and constitutions have been complied with by the agency or the industry it regulates;

(n) The extent to which changes are necessary in the enabling laws of the agency to adequately comply with the factors listed in this subsection; and

(o) The condition of the financial affairs of the agency as indicated by the most recent audit report prepared by the Secretary of State under ORS 297.210.

[197 c.842 § 48]

182.635. Duration of continuation of agency; subsequent review; requirement for separate legislative action to continue any agency. (1) An agency may be continued or reestablished by the Legislative Assembly for a period not to exceed eight years, at the end of which period the agency shall be reviewed again pursuant to ORS 182.605 to 182.635.

(2) No more than one agency shall be continued or reestablished in any Act.

[1977 c.842 § 49]

RHODE ISLAND

LEGISLATIVE OVERSIGHT COMMISSION

R.I. Gen. Laws Ann. § 22-14-1 et seq. (1979 main volume; 1980 Cum. Pocket Supp. examined)

CHAPTER 14.—LEGISLATIVE OVERSIGHT COMMISSION

Sec.

22-14-1. Legislative oversight commission established.
22-14-2. Quorum—Meetings.
22-14-3. Rules and regulations.
22-14-4. Definitions.
22-14-5. Termination of statutory entities.
22-14-6. Procedure for re-creation.
22-14-7. Commission report.
22-14-8. Termination of statutory entity.
22-14-9. Reestablishment.
22-14-10. Proceedings against statutory entity.
22-14-11. Legislative actions.
22-14-12. Retirement systems unaffected.
22-14-13. State bonds.
22-14-14. Severability.

22-14-1. Legislative oversight commission established.—There is hereby established an oversight commission which shall consist of eleven (11) members all of whom shall be citizens and residents of this state; three (3) of whom shall be members of the house of representatives not more than two (2) from the same political party to be appointed by the speaker; two (2) of whom shall be members of the senate not more than one (1) from the same political party to be appointed by the majority leader; one (1) of whom shall be the director of administration; three (3) of whom shall be members of the general public to be appointed by the governor; one (1) of whom shall be the fiscal advisor to the house finance committee and one (1) of whom shall be the auditor general.

The public members shall be appointed for terms of three (3) years except for the two (2) members originally appointed; one (1) shall be appointed for a term of one (1) year and one (1) shall be appointed for a term of two (2) years.

The legislative members shall serve a term of two (2) years. The members shall annually elect one (1) of them as chairman of the commission.

Any vacancy on the commission, occurring for any reason prior to the expiration of the term, including but not limited to termination of active membership in the general assembly, shall be billed for the unexpired term by the appointing authority in the same manner as the original appointment.

Any member of the commission may, for cause, be summarily removed from office by the appointing authority, which removal shall be subject to judicial review by the superior court and pending such review the member shall not carry out any duties as a commission member.

The members of the commission shall receive no salaries but shall be allowed reasonable expenses in the performance of their official duties.

History of Section.

As assigned, P.L. 1977, ch. 260, § 1: G.L. 42-67-1; P.L. 1978, ch. 387, § 1.

Compiler's Notes.—The provisions of this chapter formerly appeared in §§42-67-1—42-67-14.

Comparative Legislation: Legislative oversight bureau.

Mass. Ann. Laws ch. 3, §§63, 64.

22-14-2. Quorum—Meetings.—Five (5) members of the commission shall constitute a quorum for the transaction of any business. Meetings of the commission may be held at any time or place upon call of any member, after a reasonable notice by mail or telegraph to the other members, and shall be held at such times and places as in the judgment of the commission will best serve the convenience of all parties in interest.

History of Section.

As assigned, P.L. 1977, ch. 260, §1: G.L. 42-67-2; P.L. 1978, ch. 387, §1.

Compiler's Notes.—The provisions of this section formerly appeared in §42-67-2. See Compiler's Notes, §22-14-1.

22-14-3. Rules and regulations.—The commission shall adopt reasonable rules and regulations in compliance with the open meetings law, governing its operations and procedure to carry out the purposes of this chapter. These rules and regulations shall include, but are not limited to, public hearings to determine whether or not the existence of any entity due to expire in said year should be continued.

History of Section.

As assigned, P.L. 1977, ch. 260, §1: G.L. 42-67-3; P.L. 1978, ch. 387, §1.

Compiler's Notes.—The provisions of this section formerly appeared in §42-67-3. See Compiler's Notes, §22-14-1.

22-14-4. Definitions.—For the purposes of this chapter:

(1) The term "Statutory entity" means any committee, board or commission created and continued in existence by statute or legislative resolution.

(2) The term "termination date" means the date provided for termination of legislative authority for the existence of a particular entity, as provided in §42-67-5 of this chapter.

(3) The term "zero-base budget review and evaluation" means with respect to a statutory entity, a comprehensive evaluation to determine if the merits of the activities of the entity support its continuation, and a recommended budget level for the entity, based upon a justification by that entity of its budget from a zero base.

History of Section.

As assigned, P.L. 1977, ch. 260, §1: G.L. 42-67-4; P.L. 1978, ch. 387, §1.

Compiler's Notes. The provisions of this section formerly appeared in §42-67-4. See Compiler's Notes, §22-14-1.

322-14-5. Termination of statutory entities.—The legislative authority for the existence of the statutory entities listed below as defined in §22-14-4 shall cease as of June 30, 1979, in the following table:

Special commission to the fire safety code created by chapter 176, public laws, 1973 and chapter 1 of the public laws, 1975.

Commission on medical education created by § 42-11-5.

Governor's council on mental health created by § 40.1-6-1.

Advisory council on mental health, retardation and hospitals created by § 40.1-1-1.

Advisory and coordinating committee on alcoholism created by § 40.1-4-5.

Advisory council on drug abuse control created by § 42-50-1.

Committee on children and youth created by § 40-14-1.

Aeronautics advisory board created by § 1-1-2.

State pilotage commission created by § 46-9-5.

Automobile wrecking and salvage yard regulatory license commission created by § 31-39-2.

Advisory board of aircraft transportation created by § 39-11-24.

Automobile body repair shop commission created by § 5-38-2.

Motor vehicle damage appraisers board of examiners created by § 27-10.1-5.

Advisory council on environmental affairs created by § 42-17.1-6.

Passenger tramway board created by § 42-17.2-3.

Board of inspection of horse riding schools created by § 5-13-3.

State conservation committee created by § 2-4-3.

Emergency milk control board created by § 21-4-5.

Committee of consultants for the registration of sanitarians created by § 23-19.3-1.

Ambulance service coordinating board created by § 23-4.1-2.

Committee on naval affairs created by § 30-29-1.

Council on highway safety created by § 31-30-1.

Eastern states exposition commission of Rhode Island created by § 37-10-2.

Permanent day care commission created by § 40-13.1-1.

Committee on accounts and records created by § 42-22-1.

Commission on uniform state laws created by § 42-24-1.

Council on environmental quality created by § 42-52-1.

History of Section

As assigned, P.L. 1977, ch. 260, § 1: G.L. 42-67-5; P.L. 1978, ch. 387, § 1.

Compiler's Notes. The provisions of this section formerly appeared in § 42-67-5. See Compiler's Notes, § 22-14-1.

The 1979 reenactment, in the fifth item on the list of governmental entities, substituted "advisory and coordinating committee on alcoholism" for "advisory council on alcoholism" to conform to § 40.1-4-5; in the sixth item, substituted "§ 42-50-1" for "§ 42-50-2"; deleted the tenth item concerning the automobile body repair shop hearing board because there is no statutory creation of such board and because chapter 38 of title 5 provides for hearings to be conducted by the automobile body repair shop commission which appears as the thirteenth item; in the fourteenth item, substituted "motor vehicle damage appraisers board of examiners created by § 27-10.1-5" for "motor vehicle damage appraisers created by "§ 27-10.1-1" as the former seemed to be the reference intended; in the fifteenth item, substituted "advisory council on environmental affairs" for "advisory council on natural resources" to conform to § 42-17.1-6: in the twentieth item, substituted "§ 23-19.3-1" for "§ 23-48-1" to conform to the reorganization of title 23; in the twenty-first item, substituted "§ 23-4.1-2" for "§ 23-52-2" to conform to the reorganization of title 23; deleted the twenty-fourth item concerning the state auditorium commission as that governmental entity was replaced by the theater manager of the state auditorium by the 1974 amendment to § 37-9-1; in the twenty-sixth item, substituted "§ 40-13.1-1" for "§ 40-13-1.1" as the former seemed to be the reference intended; and deleted the twenty-ninth item concerning the public rights-of-way commission as chapter 33 of title 42 has been repealed.

22-14-6. Procedure for re-creation.—The procedure for re-creation of any entity to be terminated under the provisions of this chapter shall be as follows:

(A) One (1) year prior to the year in which the applicable termination date occurs, the auditor general shall conduct the zero-based budget review and evaluation and recommend an appropriate budget level of the statutory entity to be terminated at least one (1) year prior to the termination date. The commission shall notify the statutory entity of such termination date and that the auditor general has commenced such budget review. This zero-based budget review and evaluation by the office of the auditor general shall include, but not be limited to, the following objection as its objectives:

(1) the elimination of inactive entities;

(2) the elimination of entities which duplicate other entities or other governmental programs and activities, or an appropriate consolidation of them; and

(3) the elimination of inefficient, unnecessary or ineffective entities.

(B) Upon completion of the zero-based budget review and evaluation and recommended budget level the office of auditor general shall transmit its report to the commission. Such report shall include, but not be limited to:

(1) an identification of other entities, or other programs or activities of the state government having the same or similar objectives, along with a comparison of the cost and effectiveness of such entities, programs or activities and any duplication of the entity under review;

(2) an examination of the extent to which the objectives of the entity under review have been achieved when compared to the objectives initially set forth for the entity under review and in analysis of any significant variance between projected and actual performance; and

(3) a statement of the objectives of the entity for the coming four (4) years with the establishment of measurements of performance where feasible.

History of Section.

As assigned, P.L. 1977, ch. 260, § 1: G.L. 42-67-6; P.L. 1978, ch. 387, § 1.

Compiler's Notes. The provisions of this section formerly appeared in § 42-67-6. See Compiler's Notes, § 22-14-1.

22-14-7. Commission report.—At least nine (9) months prior to its termination or upon notification of the commission, each board, committee or commission specified in § 22-14-5 shall submit a written statement to the oversight commission demonstrating sufficient public need for its continued existence. The commission shall adopt and make public regulations and guidelines for determining the continued public need for such governmental bodies. Such regulations and guidelines shall include but not be limited to the following criteria:

(a) Would the termination of the board, committee, or commission significantly harm or endanger the public health, safety or welfare?

(b) Has the board, committee, or commission met the objectives of the statute which created it?

(c) Has the board, committee or commission encouraged participation by the public?

(d) Do the functions of the board, committee or commission overlap or duplicate the functions of any other board, committee, or commission?

(e) What are the objectives of the board, committee or commission for the next five (5) years?

Upon receipt of each statement, the commission shall hold a hearing for the purposes of reviewing the statement. A copy of each statement shall be made available to each member of the general assembly.

On or before January 30 of the year in which termination is scheduled, the oversight commission shall issue its recommendations in writing to the general assembly concerning its findings about continuing, modifying or terminating each board, committee, or commission.

If the commission by a majority vote, concludes that a board, committee, or commission should be continued, it shall submit appropriate legislation to the general assembly to continue that board, committee or commission for a period not to exceed five (5) years.

History of Section.

As assigned, P.L. 1977, ch. 260, § 1: G.L. 42-67-7; P.L. 1978, ch. 387, § 1.

Compiler's Notes. The provisions of this section formerly appeared in § 42-67-7. See Compiler's Notes, § 22-14-1.

22-14-8. Termination of statutory entity.—Each board, committee or commission may continue itself in existence for up to one (1) year after scheduled termination for the purpose of completing its work and activities. During this completion period, termination shall not reduce or otherwise limit the powers or authority of each board, committee, or commission. Upon the expiration of one (1) year after termination, each board, committee, or commission shall cease all activities. All unexpended balances of appropriations or other funds shall revert to the general fund.

History of Section.

As assigned, P.L. 1977, ch. 260, § 1: G.L. 42-67-8; P.L., 1978, ch 387, § 1.

Compiler's Notes. The provisions of this section formerly appeared in § 42-67-8. See Compiler's Notes, § 22-14-1.

22-14-9. Reestablishment.—The life of each board, committee or commission scheduled for termination under the provisons of § 22-14-5 of this chapter may be continued or reestablished by action of the general assembly for a period not to exceed five years at the end of which time and at least every five years thereafter, each shall be subject to a review under the provisions of this chapter. Each board, committee, or commission established after May 13, 1977 shall terminate on the 30th day of June subsequent to the sixtieth month after its establishment and shall be subject to the provisions of this chapter.

History of Section.

As assigned, P.L. 1977, ch. 260, § 1: G.L. 42-67-9; P.L. 1978, ch. 387, § 1.

Compiler's Notes. The provisions of this section formerly appeared in § 42-67-9. See Compiler's Notes. § 22-14-1.

The 1979 reenactment in the second sentence, inserted a comma following "board" and substituted "May 13, 1977" for "the effective date of this chapter."

22-14-10. Proceedings against statutory entity.—Nothing in this chapter shall cause any right, claim, or cause of action held by any person against any board, committee, or commission to be dismissed, nor shall any right, claim, or cause of action held by any board, committee, or commission which has been terminated pursuant to this chapter lapse because of this chapter.

History of Section.

As assigned, P.L. 1977, ch. 260, § 1: G.L. 42-67-10; P.L. 1978, ch 387, § 1.

Compiler's Notes. The provisions of this section formerly appeared in § 42-67-10. See Compiler's Notes, § 22-14-1.

22-14-11. Legislative action.—From and after May 13, 1977, whenever the general assembly is about to create or re-create any statutory entity it should whenever possible, request a report from the commission as set forth in § 22-14-7 of this chapter; however, no such report is required to be received by the general assembly for any action to be taken, and nothing in this chapter shall be construed to prohibit the legislature from terminating an entity covered by these provisions at a date earlier than that provided herein, nor to prohibit the legislature from considering any other legislation relative to such an entity.

History of Section.

As assigned, P.L. 1977, ch. 260, § 1: G.L. 42-67-11; P.L. 1978, ch. 387, § 1.

Compiler's Notes. The provisons of this section formerly appeared in § 42-67-11. See Compiler's Notes, § 22-14-1.

The bracketed date was substituted for "the effective date of this chapter" by the compiler.

The 1979 reenactment substituted "May 13, 1977" for "the effective date of this chapter."

22-14-12. Retirement systems unaffected.—The provisions of this chapter do not apply to retirement systems.

History of Section.

As assigned, P.L. 1977, ch 260, § 1: G.L. 42-67-12; P.L. 1978, ch 387, § 1.

Compiler's Notes. The provisons of this section formerly appeared in § 42-67-12. See Compiler's Notes, § 22-14-1.

22-14-13. State bonds.—Notwithstanding any other provisions of this chapter to the contrary, no entity which has bonds outstanding shall be abolished until and unless provision is made for the payment of principal and interest of said bonds at or before maturity or for the assumption of such indebtedness by the state or any agency or subdivision thereof.

History of Section.

As assigned, P.L. 1977, ch 260, § 1: G.L. 42-67-13; P.L. 1978, ch 387, § 1.

Compiler's Notes. The provisions of this section formerly appeared in § 42-67-13. See Compiler's Notes, § 22-14-1.

22-14-14. Severability.—If any provisions or item of this chapter or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications, and to this end the provisions of this chapter are hereby declared severable.

History of Section.

As assigned, P.L. 1977, ch 260, § 1: G.L. 42-67-14; P.L. 1978, ch 387, § 1.

Compiler's Notes. The provisions of this section formerly appeared in § 42-67-14. See Compiler's Notes. § 22-14-1.

CHAPTER 14.—LEGISLATIVE OVERSIGHT COMMISSION

Sec.
22-14-1. Legislative oversight commission established—Membership—Compensation.
22-14-2. Quorum—Meetings.
22-14-5. Additional termination of statutory entities.
22-14-5.1. Additional termination of existence.

22-14-1. Legislative oversight commission established—Membership—Compensation.—There is hereby established an oversight commission which shall consist of fourteen (14) members all of whom shall be citizens and residents of this state; four (4) of whom shall be members of the house of representatives not more than three (3) from the same political party to be appointed by the speaker; three (3) of whom shall be members of the senate not more than two (2) from the same political party to be appointed by the majority leader; one (1) of whom shall be the director of administration; four (4) of whom shall be members of the general public to be appointed by the governor; one (1) of whom shall be the fiscal advisor to the house finance committee and one (1) of whom shall be the auditor general.

The public members shall be appointed for terms of three (3) years except for the two (2) members originally appointed; one (1) shall be appointed for a term of one (1) year and one (1) shall be appointed for a term of two (2) years.

The legislative members shall serve a term of two (2) years. The members shall annually elect one (1) of them as chairman of the commission.

Any vacancy on the commission, occurring for any reason prior to the expiration of the term, including but not limited to termination of active membership in the general assembly, shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment.

Any member of the commission may, for cause, be summarily removed from office by the appointing authority, which removal shall be subject to judicial review by the superior court and pending such review the members shall not carry out any duties as a commission member.

The director of administration, the fiscal advisor to the house finance committee, and the auditor general [respectively] may designate a person to represent them at all commission meetings.

The members of the commission, except those members from the general public, shall receive no salaries but shall be allowed reasonable expenses in the performance of their offical duties.

The members of the general public shall receive the sum of fifty dollars ($50.00) per meeting not to exceed the sum of two thousand dollars ($2,000) per year.

History of Section.

As assigned P.L. 1977, ch. 260, § 1: G.L. 42-67-1; P.L. 1978, ch. 387, § 1; P.L. 1979, ch. 349, § 1; P.L. 1980, ch. 226, § 21.

Compiler's Notes. As enacted, this section contained the heading: "Legislative oversight commission established."

The bracketed word in the sixth paragraph was substituted for "respectfully."

22-14-2. Quorum—Meetings.—Six (6) members of the commission shall constitute a quorum for the transaction of any business. Meetings of the commission may be held at any time or place upon call of any member, after a reasonable notice by mail or telegraph to the other members, and shall be held at such times and places as in the judgment of the commission will best serve the convenience of all parties in interest.

History of Section.

As assigned, P.L. 1977, ch. 260, § 1; 42-67-2; P.L. 1978, ch. 387, § 1; P.L. 1979, ch. 349, § 1.

2-14-5. Additional termination of statutory entities.—(A) The legislative authority for the existence of the statutory entities listed below as defined in § 22-14-4 shall cease as of June 30, 1980:

(1) Advisory commission on correctional services created by § 13-1-4 and Chapter 171, Public Laws, 1973.

(2) Advisory commission on educational television created by § 16-28-4.

(3) Advisory committee for opticianry created by § 5-35-2.1.

(4) Advisory council on community affairs created by § 42-44-4.

(5) Advisory council on employment security created by § 28-42-37 and Chapter 72, Public Laws, 1961.

(6) Advisory council—Rhode Island defense civil preparedness agency created by § 30-15-6.

(7) Board of bank incorporation created by § 19-1-2.

(8) Board of examiners for nursing home administrators created by § 5-45-1.

(9) Board of examiners of lanscape architects created by § 5-51-1.

(10) Board of hearing aid dealers and fitters created by § 5-49-15.

(11) Board of policemen's relief created by § 45-19-2, Chapter 209, Public Laws, 1965.

(12) Board of psychology created by §§ 5-26-2 and [5-44-3].

(13) Citizens advisory board to the solid waste management corporation created by [§ 23-19-23].

(14) Commission on interstate cooperation created by § 42-23-1.

(15) Commission to plan the state's 200th anniversary of independence created by § H-1311, Jan. 1969 and § H-6360, Jan. 1975.

(16) Dr. John E. Donley rehabilitation center advisory board created by § 28-38-21.

(17) Interstate compact on the mentally disordered offender created by [§ 40.1-10-1].

(18) Medical advisory board to the [assistant director for] motor vehicles created by § 31-10-44.

(19) Mental health advocate created by § 40.1-5-13.

(20) Milk sanitation board created by § 21-2-28.

(21) Nursing home coordination council created by § 23-17.3-2.

(22) Real estate commission created by § 5-20.5-12.

(23) State council on the arts created by § 16-46-3.

(24) State planning and advisory council on developmental disabilities created by § 40.1-1-9.

(25) [Workers' compensation advisory committee] created by § 28-33-40.

Notwithstanding any other reporting requirements in this chapter, the auditor general's report shall be submitted on or before October 15, 1979 and the commission reports shall be submitted on or before March 1, 1980.

(B) The legislative authority for the existence of the statutory entities listed below as defined in § 22-14-4 shall cease as of June 30, 1981:

(1) Advisory board on aging created by § 42-66-7.

(2) Advisory council for the blind [and visually impaired] created by § 40-9-3.

(3) Advisory council for the school for the deaf created by § 16-26-3.

(4) Advisory council on social and rehabilitative services created by § 40-1-1.

(5) Board of examination and registration of architects created by [§ 5-1-3].

(6) Board of examiners in chiropractic created by § 5-26-2.

(7) Board of examiners in osteopathy created by § 5-26-2.

(8) Board of examiners of electricians created by § 5-6-4.

(9) Board of examiners of hoisting engineers created by § 28-26-1.

(10) Board of pharmacy created by § 5-19-3.

(11) Board of physical therapy created by § 5-40-3, Chapter 211, Public Laws, 1962.

(12) Board of plumbing examiners created by § 5-20-6.

(13) Board of registration of social workers created by § 5-39-2.

(14) Commission on foster child placement created by § 42-59-1.

(15) Compact administrator for juveniles created by § 14-6-4, Chapter 43, Public Laws, 1957.

(16) Consumers' council created by § 42-42-1, Chapter 239, Public Laws, 1966.

(17) Historical preservation commission created by § 42-45-2, Chapter 290, Public Laws, 1968.

(18) Interstate compacts created by [§ 40.1-10-1].

(19) Labor relations board created by § 28-7-4.

(20) New England river basins commission created by [Executive Order No. 11371, as amended, declared by President of United States under 42 U.S.C. § 1962b].

(21) Permanent advisory commission on women created by Resolution No. 84, Jan. 1970; Resolution No. 75, Jan. 1973.

(22) Police officers' commission on standards and training created by § 42-28.2-3, Chapter 215, Public Laws, 1969; Chapter 291, Public Laws, 1971; Executive Order No. 27, 6/19/75.

(23) Rhode Island defense civil preparedness agency created by § 30-15-5.

(24) Rhode Island health and educational building corporation created by § 45-38.1-4.

(25) Rhode Island postsecondary education commission created by Executive Order No. 18, 7/25/74.

(26) Special commission to the fire safety code created by chapter 176, Public Laws, 1973; Chapter 1, Public Laws, 1975.

(27) State advisory council on vocational education created by § 16-53-1, Chapter 284, Public Laws, 1972.

(28) State medical examiners commission created by § 23-4-6 and Chapter 169, Public Laws, 1973.

(29) Transportation advisory council created by Executive Order No. 28, 9/29/75.

(30) Turnpike and bridge authority created by § 24-12-2.

Notwithstanding any other reporting requirements in this chapter, the auditor general's report shall be submitted on or before September 1, 1980 and the commission reports shall be submitted on or before March 1, 1981.

(C) The legislative authority for the existence of the statutory entities listed below as defined in § 22-14-4 shall cease as of June 30, 1982.

1. Racing and Athletics Hearing Board (§ 41-2-1)
2. Fire Safety Code Board of Appeal and Review [§ 23-28.3-2]
3. Purchasing Standardization Committee (§ 37-2-2)
4. Interstate Compact on Mental Health [§ 40.1-9-1]
5. Parole Board (§ 13-8-1)
6. Burglar Alarm License Commission [§ 5-57-3]
7. Board of Accountancy (§ 5-3-1)
8. Environmental Standards Board (§ 42-17.3-1)
9. Board of Examiners in Medicine (§ 5-26-2)
10. Board of Examiners in Optometry [§ 5-35-2]
11. Board of Examiners for Speech Pathology and Audiology [§ 5-48-2]
12. Commission on Atlantic States Marine Fisheries [§ 20-8-3]
13. Howard Development Corporation (§ 37-19-4)
14. Atomic Energy Commission (§ 42-27-1)
15. Recreational Building Authority (§ 42-38-4)
16. State Energy Council (E.O. #8)
17. Governor's Committee on Employment of the Handicapped (Ch. 59 P.L. 1970)
18. Advisory Committee to the R.I. Housing and Finance Corp. (§ 42-55-21)
19. State Advisory Council for Legal Services Programs (Sec. 1004 L.S.C.A. 1976)
20. Commission to Study the Expanding of Veterans Nursing Care Facilities (Res. #84, 1970)
21. 1976 Vietnam Veterans Bonus Act (Ch. 81, P.L. 1976)
22. Commission to Study Taxes (Ch. 198 P.L. 1976)
23. Commission Establishing a School for Social Workers (Res #107, 1976)
24. Commission for Recycling Refuse for Energy (Res. #108, 1976)
25. State Planning Council (E.O. #23)
26. R.I. Historical Records Advisory Board (E.O. #31)
27. Governor's Commission on Nursing Homes and Health Care Facilities (E.O. #6)

Notwithstanding any other reporting requirements in this chapter, the auditor general's request shall be submitted on or before September 1, 1981 and the commission reports shall be submitted on or before March 1, 1982.

(D) The legislative authority for the existence of the statutory entities listed below as defined in § 22-14-4 shall cease as of June 30, 1983.

1. Commission on Horse Racing and Athletics (§ 41-1-1)
2. Economic Development Council (§ 42-63-5)
3. Personnel Appeal Board (§ 36-3-6)
4. Advisory Council for the Veterans Home (§ 30-24-3)
5. Motor Vehicle Dealers License Commission (§ 31-5-2)

6. Liquor Control Hearing Board (§ 3-3-1)
7. Code Commission for Occupational Safety and Health [§ 28-20-22]
8. Board of Firemen's Relief [§ 45-19-5]
9. R.I. Apprenticeship Council (§ 28-45-2)
10. Advisory Council on Environmental Affairs (§ 42-17.1-6)
11. Coastal Resources Management Council (Ch. 26 P.L. 1971)
12. Board of Examiners in Barbering (§ 5-27-2)
13. Board of Examiners in Embalming [§ 5-26-2, § 5-33-2]
14. Committee of Consultants to the Board of Nurse Registration and Nursing Education (§ 5-34-10)
15. Advisory Council for the Clinical Laboratories [§ 23-16.2-11]
16. Education Commission of the States (16-47-1)
17. Board of Electors [§ 17-7-2]
18. Marine Fisheries Council [§ 20-8-3]
19. Public [Building] Authority (§ 37-14-1)
20. Industrial [Building] Authority [§ 42-34-1]
21. R.I. Housing and Mortgage Finance Corporation (§ 42-55-1)
22. New England Interstate Water Pollution Control Commission (§ 46-16-2)
23. Blackstone Valley Sewer District Commission (§ 46-21-4)
24. Advisory Committee of Apprenticeship Information (FMOA #12)
25. Commission on Adopting the Life Line Concept of Energy (Ch. 120, P.L. 1976)
26. Commission of Criminal Justice [12-26-1]
27. Human Services Management Council (E.O. #22).

Notwithstanding any other reporting requirements in this chapter, the auditor general's report shall be submitted on or before September 1, 1982 and the commission reports shall be submitted on or before March 1, 1983.

(E) The legislative authority for the existence of the statutory [entities] listed below as defined in § 22-14-4 shall cease as of June 3, 1984.

1. Retirement Board (§ 36-8-4, § 45-21-8)
2. Interstate Compact on the Placement of Children [§ 40-15-1]
3. New England Interstate Correctional Compact (§ 31-11-1)
4. Traffic Commission [31-13-1]
5. Public Utility Commission [39-1-3]
6. Board of Examiners in Dentistry [§ 5-26-2, § 5-31-1.2]
7. Board of Examiners in Electrolysis (§ 5-26-2)
8. Board of Nurse Registration and Nursing Education [§ 5-34-3]
9. Board of Examiners in Podiatry (§ 5-26-2)
10. R.I. Board of Medical Review [§ 5-37.1-2]
11. Board of Veterinarians (§ 5-25-1)
12. New England Board of Higher Education (§ 16-41-3)
13. Emergency Resources Planning Committee (§ 30-15-7)
14. Sinking Fund Commission (§ 35-8-3)
15. State Investment Commission (§ 35-10-1)
16. Conflict of Interest Commission (§ 36-14-7)
17. Public Transit Authority (§ 39-18-2)
18. Board of Classification of Motion Pictures (§ 42-43-1)
19. Advisory Council for the R.I. Veterans [§ 30-24-3]

20. Board of Licensing Examiners of Driver's Training Schools [§ 31-10-34]

21. Governors Commission for Recreation for the Handicapped

22. R.I. Commission for Indian Affairs [§ 42–44–6]

23. Advisory Commission on Judicial Appointments (E.O. #4)

24. Supervisory Board to the Governor's Justice Commission (E.O. #5)

25. Ladd [Center] Task Force (E.O. #15).

Notwithstanding any other reporting requirements in this chapter, the auditor general's report shall be submitted on or before September 1, 1983 and the commission reports shall be submitted on or before March 1, 1984.

(F) The legislative authority for the existence of the statutory entities listed below as defined in § 22–14–4 shall cease as of June 30, 1985.

1. Board of Review [§ 42–19–3].

2. Board of [Registration] for Professional Engineers and Land Surveyors (§ 5–8–3).

3. Commission for Human Rights (§ 28–5–8).

4. State Properties Committee (§ 37–6–1).

5. Capital Improvements Committee (§ 41–4–4.1).

6. Water Resources Board (§ 46–15–2).

7. Formulary Commission (§ 42–18.1–1).

8. Board of Hairdressing [§ 5–10–2].

9. Northeastern Forest Fire [Protection] Commission (§ 2–13–4).

10. State Radiation Advisory Commission [§ 23–1.3–13].

11. Commission on State [Government] Interns (§ 42–47–1).

12. Advisory Council on Health Facilities Construction (E.O. #14).

13. Advisory Board on Library Commissions (§ 29–3.1–2).

14. Judicial Council [§ 8–13–1].

15. Panel of Medical Advisors (§ 28–33–41).

16. American and Canadian French Cultural Exchange Commission (§ 42–58–1).

17. Commission on Judicial Tenure and Discipline [§ 8–16–1].

18. Motor Vehicle Inspection State Commission (Ch. 14, P.L. 1976).

19. State Advisory Board (E.O. #25).

Notwithstanding any other reporting requirements in this chapter, the auditor general's report shall be submitted on or before September 1, 1984 and the commission reports shall be submitted on or before March 1, 1985.

History of Section.

As assigned, P.L. 1977, ch. 260, § 1: G.L. 42–67–5; P.L. 1978, ch. 387, § 1; P.L. 1979, ch. 349, § 2; P.L. 1980, ch. 225, § 6; P.L. 1980, ch. 226, § 13.

Compiler's Notes. The statutory entities were alphabetized and numbered by the compiler to facilitate references to and from this section and the statutes creating the various entities.

G.L. § 13–1–4 and P.L. 1973, ch. 171, referred to in subdivision (A)(1) were repealed by P.L. 1976, ch. 290, § 3. An advisory commission on correctional services was created by P.L. 1976, ch. 290, § 1 (§ 42–56–11—42–56–13), and repealed by P.L. 1980, ch. 341, § 1.

The bracket section number in subdivision (A)(12) was substituted by the compiler for "5–44–5" as the former seemed the intended reference.

The bracketed section number in subdivision (A)(13) was substituted by the compiler for "§ 23–46.1–23" to conform to the 1979 reenactment of title 23.

The bracketed section number in subdivisions (A)(17) and (B)(18) was substituted by the compiler for "§ 26-8-1" to conform to the 1979 reenactment of titles 26 and 40.1.

Subdivisions (A)(17) and (B)(18) apparently refer to the same entity.

The bracketed reference in subdivision (A)(25) was substituted by the compiler for "Medical advisory committee (worker's compensation commission)" to conform to the 1979 reenactment of § 28-33-40.

The bracketed words in subdivision (B)(2) were inserted by the compiler.

The bracketed section number in subdivision (B)(5) was substituted by the compiler for "§ 5-1-2" as the former seemed to be the intended reference.

The bracketed reference in subdivision (B)(20) was substituted for "§ 42-1962 U.S.C." by the compiler.

The interstate compact on the mentally disordered offender created by § 40.1-10-1 previously scheduled to cease in accordance with the terms of subsection (A)(17) and (B)(18) of this section was repealed by P.L. 1980, ch. 341, § 1.

The bracketed title in (A)(18) was substituted for "registrar of" by the compiler.

The bracketed word "entities" in (E) was substituted for "entitles" by the compiler.

In (E)(25) the bracketed word "Center" was substituted for "School" by the compiler.

In (F)(9) the bracketed word "Protection" was substituted for "Protection" by the compiler.

In (F)(11) the bracketed word "Government" was substituted for "Government" by the compiler.

Cross-References. Advisory commission on public telecommunications, termination, § 16-28-7.

Automobile body repair shop commission, termination, § 5-38-2.
Bank incorporation board, termination, § 19-1-2.
Defense civil preparedness advisory council, termination, § 30-15-22.
Developmental disabilities council, termination, § 40.1-1-9.
Employment security advisory council, termination, § 28-42-37.
Interstate cooperation commission, termination, § 42-23-5.
Landscape architects, termination of state board of examiners, § 5-51-9.
Mental health advocate, termination of position, § 40.1-5-22.
Motor vehicles registrar's medical advisory board, termination, § 31-10-44.
Real estate commission, termination, § 5-20.5-12.
Solid waste management, citizen advisory board, termination, § 23-19-23.
State council on the arts, termination, § 16-46-11.

22-14-5.1. Additional termination of existence.—The legislative authority for the existence of the statutory entities listed below as defined in § 22-14-4, shall continue to June 30, 1981.

(1) Advisory council on drug abuse control created by § 42-50-1.

(2) Advisory council on employment security created by § 28-42-37 and Chapter 72, Public Laws, 1961.

(3) Board of Examiners for nursing home administrators created by § 5-45-1.

(4) Board of Policemen's Relief created by § 45-19-2, Chapter 209, Public Laws, 1965.

(5) Board of psychology created by §§ 5-26-2 and 5-44-3.

(6) Committee on consultants on sanitarians created by § 23-19.3-1.

(7) Nursing home coordination council created by § [23-17.3-2].

(8) Workers' Compensation advisory committee created by § 28-33-40.

Notwithstanding any other reporting requirements in this chapter, the auditor general's report shall be submitted on or before September 1, 1980 and the commission reports shall be submitted on or before March 1, 1981.

History of Section.

As enacted by P.L. 1980, ch. 313, § 1; P.L. 1980, ch. 341, § 10.

Compiler's Notes. The bracketed section number was substituted for "23-17.3.2."

SOUTH CAROLINA

REORGANIZATION COMMISSION

S.C. Code Ann. § 1-20-40 et seq. (1980 Cum. Supp.)

CHAPTER 20 [New].—REVIEW OF STATE AGENCIES AND BOARDS

Sec.

1-20-10. Information furnished by State Legislative Audit Council.
1-20-20. Public hearing; report of findings and recommendations.
1-20-30. Termination of agency.
1-20-40. Review criteria and procedure; cooperation of agencies and boards; powers of council or commission; informational requests.
1-20-50. Termination dates for particular agencies.
1-20-60. Reauthorization of existence of agency; newly created agency or board.
1-20-70. Construction of chapter.
1-20-80. Chapter shall be cumulative.

§ 1-20-10. Information furnished by State Legislative Audit Council.

Twelve months prior to the termination date of an agency or board, the State Legislative Audit Council shall furnish to the State Reorganization Commission and any member of the General Assembly upon request a review and evaluation of the specific programs or functions administered by such agency or board. At minimum, the Audit Council shall include within the scope of its review and evaluation information germane to the following issues:

(1) the amount of the increase or reduction of costs of goods and services caused by the administering of the programs or functions of the agency under review;

(2) economic, fiscal and other impacts that would occur in the absence of the administering of the program or functions of the agency under review;

(3) the overall cost, including manpower, of the agency under review;

(4) the efficiency of the administration of the program or functions of the agency under review;

(5) the extend to which the agency under review has encouraged the participation of the public and, if applicable, the industry it regulates;

(6) the extent to which the agency duplicates the services, functions and programs administered by any other state, federal or other agency or entity;

(7) the efficiency with which formal public compliants filed with the agency concerning persons or industries subject to the regulation and administration of the agency under review have been processed;

(8) the extent to which the agency under review has complied with all applicable state, federal and local statutes and regulations.

History: 1978 Act No. 608 § 2, eff July 23, 1978.

§ 1-20-20 Public hearing; report of findings and recommendations.

Upon receipt of the Audit Council's review and evaluation, the Reorganization Commission shall hold a public hearing receiving testimony from the public, the executive administration and other personnel of the agency under review and any other interested parties. The Reorganization Commission shall consider the fiscal and economic impact of such agency as outlined in § 1-20-10, and any other relevant issues. In such hearing the agency shall have the burden of demonstrating a public need for its continued existence, and of rebutting any and all reasonable proposals that would alter the then-existing structure of that agency. Then standing committee chairman, as designated in § 1-20-40, shall sit in conjunction with the Reorganization Commission at such hearings, exercising the same voting and other rights afforded Reorganization Commission members at such hearing. Upon receipt of testimony at such hearings, and pursuant to any other research or inquiries it deems appropriate, the Reorganization Commission shall report its findings and conclusions to the presiding officers of the Senate and House. The presiding officers shall refer the report to the standing committees most concerned with the agency scheduled for termination, together with any recommendations as to:

(1) the transfer of the whole or any part of any agency or the whole or any part of the functions thereof to the jurisdiction and control of any other agency:

(2) the consolidations, coordination or combination of the whole or any part of any agency or the whole or any part of any other agency or the functions thereof:

(3) the consolidation or coordination of any part of any agency or the functions thereof;

(4) the redirection of any mission of the whole or any part of any agency or the functions thereof;

(5) the abolition of any mission of the whole or any part of any agency or the functions thereof; or,

(6) the abolition of all or any part of the functions or structure of any agency

History: 1978 Act No. 608 § 3, eff July 23, 1978.

§ 1-20-30. Termination of agency.

Upon termination an agency may be continued in existence no later than July first of the next succeeding year for the purpose of winding up its affairs, at which time it shall cease all activities; During the windup period termination shall not reduce or otherwise limit the powers or authority of such agency. At the conclusion of the windup period, all laws and regulations governing, authorizing and otherwise dealing with the terminated agency shall be deemed repealed to the extent to which such laws and regulations address the terminated agency. Termination of an agency shall not cause the dismissal of any claim or right of a citizen against any such agency or any claim or right of an agency terminated pursuant to this act which is subject to litigation. Any and all moneys remaining after the wind-up period shall revert back to the general fund.

History: 1978 Act No. 608 § 4, eff July 23, 1978.

§ 1-20-40. Review criteria and procedure; cooperation of agencies and boards; powers of council or commission; information requests.

Upon the effective date of this chapter, the Audit Council, the Reorganization Commission, and those chairmen of the standing committees that have jurisdiction over those particular agencies under review, as designated by the President of the Senate and the Speaker of the House, shall meet and develop a criteria format and procedure for review of such agencies.

In order to carry out the provisions of this chapter all state agencies or governmental entities shall cooperate by answering all information requests within a period of time specified by the Audit Council or the Reorganization Commission or in an alternative format, approved, in advance by the Audit Council or the Reorganization Commission.

The Audit Council or the Reorganization Commission shall be empowered to subpoena any and all relevant information, reports or other data, and require, pursuant to a subpoena duces tecum the appearance of any officer, employee or adjunct to any state agency, or the production of any relevant document or record within the custody of any state agency, before the Audit Council or the Reorganization Commission. The Audit Council and the Reorganization Commission shall be further empowered to order the opening of records and their full access by members of the Audit Council, the Reorganization Commission or their designees. No violation of the privacy provisions of any state or federal law shall result from such access to agency records. The Audit Council and the Reorganization Commission shall address all such informational requests to the chief administrative officer of the agency examined, and he shall be held accountable for the swift compliance of such requests. Any willful non-compliance with such information requests shall be deemed misfeasance in office and shall subject such administrative officer to the penalties therefor.

History: 1978 Act No. 608 § 5, eff July 23, 1978.

§ 1-20-50. Termination dates for particular agencies.

The programs and functions of the following state agencies shall be terminated as provided in this chapter pursuant to the following schedule.

(A) June 30, 1980, shall be the determination date for:
  (1) Insurance Commission
  (2) Board of Barber Examiners
  (3) Board of Cosmetic Art Examiners
  (4) Repealed, 1980 Act No. 390, eff April 28, 1980.
  (5) Board of Accountancy
  (6) Board of Landscape Architectural Examiners
  (7) Board of Architectural Examiners
(B) June 30, 1981, shall be the termination date for:
  (1) Board of Pharmaceutical Examiners
  (2) Board of Medical Examiners
  (3) Board of Denistry
  (4) Board of Veterinary Medical Examiners
  (5) Board of Nursing
  (6) Board of Chiropractic Examiners

(C) June 30, 1982, shall be the termination date for:
  (1) Board of Podiatry Examiners
  (2) Board of Examiners of Optometry and Opticianry
  (3) Board of Examination and Registration of Physical Therapists
  (4) Board of Examiners of Psychology
  (5) Board of Examiners for Speech Pathology and Audiology
  (6) Board of Occupational Therapy
  (7) Board of Examiners for Nursing Home Administrators

(D) June 30, 1983, shall be the termination date for:
  (1) Manufactured Housing Board
  (2) Real Estate Commission
  (3) Residential Home Builders Commission
  (4) Licensing Board for Contractors
  (5) Board of Engineering Examiners
  (6) Board of Certification of Environmental Systems Operators
  (7) Public Service Commission

(E) June 30, 1984, shall be the termination date for:
  (1) Board of Funeral Services
  (2) Board of Examiners for Registered Sanitarians
  (3) Board of Social Worker Registration
  (4) Dairy Commission
  (5) State Cemetery Board
  (6) Building Code Council
  (7) Board for Barrier Free Design

(F) June 30, 1985, shall be the termination date for:
  (1) Harbor Pilots
  (2) Masseurs or Masseuses
  (3) Polygraph Examiners
  (4) Private Detective and Private Security Agencies
  (5) Certification Program for Public Librarians
  (6) Board of Nursing Home Administrators
  (7) Board of Registration for Foresters

The termination date of any agency shall be the date specified in this section or the end of the legislative session for the year designated as the terminus year, whichever date transpires last.

The General Assembly may, at any time, by Joint Resolution, delete, substitute, add to or otherwise alter the schedule of agencies to be reviewed.

History: 1978 Act No. 608 § 6, eff July 23, 1978; 1980 Act No. 390, §§ 9, 10, eff April 28, 1980.

Editor's Note—

Section 1 of 1980 Act No. 488 provides as follows: "In accordance with the provisions of Section 7 of Act 608 of 1978, the existence of the Insurance Commission is reauthorized as provided in such section."

1980 Act No. 502, § 1 provides as follows:

"The South Carolina Land Resources Conservation Commission shall continue to serve as the board of registration for landscape architects beyond June 30, 1980, which is the date such regulation would terminate under the provisions of § 6 of Act 608 of 1978 [§ 1-20-50]. Such continuation shall be in accord with the provisions of § 7 of such act [§ 1-20-60] and shall continue in effect through June 30, 1984, unless otherwise terminated by subsequent action of the General Assembly."

1980 Act No. 551, effective April 18, 1980, reauthorizes the existence of the Board of Barber Examiners in accordance with the provisions of § 1-20-60.

1980 Act No. 552, effective April 18, 1980, reauthorizes the existence of the Board of Cosmetic Examiners in accordance with the provisions of § 1-20-60.

By joint resolution of the General Assembly (R618, H3790), in accordance with the provisions of § 1-20-60 the existence of the Board of Architectural Examiners is reauthorized until July 1, 1981. The joint resolution, set out as 1980 Act No. 550 is effective June 11, 1980.

Effect of Amendments—

The 1980 amendment repealed item (4) of subsection (A), and added item (7) of subsection (C).

§ 1-20-60. Reauthorization of existence of agency; newly created agency or board.

The existence of any state agency that may be scheduled for termination under this chapter may be reauthorized by the General Assembly for periods not to exceed six years, excluding the year of termination. Any newly created regulatory agency or occupational or professional licensing board shall exist for a period not to exceed six year, excluding the year of termination, or a lesser period of time, if so designated by the General Assembly at the time of its creation. At the end of such period, each newly created agency or board shall be subjected to review, pursuant to the provisions of this chapter.

History: 1978 Act No. 608 § 7, eff July 23, 1978.

Editor's Note—

Section 1 of 1980 Act No. 488 provides as follows: "In accordance with the provisions of Section 7 of Act 608 of 1978, the existence of the Insurance Commission is reauthorized as provided in such section."

1980 Act No. 502, § 1 provides as follows:

"The South Carolina Land Resources Conservation Commission shall continue to serve as the board of registration for landscape architects beyond June 30, 1980, which is the date such regulation would terminate under the provisions of § 6 of Act 608 of 1978 [§ 1-20-50]. Such continuation shall be in accord with the provisions of § 7 of such act [§ 1-20-50]. Such continuation shall be in accord with the provisions of § 7 of such act [§ 1-20-60] and shall continue in effect through June 30, 1984, unless otherwise terminated by subsequent action of the General Assembly."

1980 Act No. 551, effective April 18, 1980, reauthorizes the existence of the Board of Barber Examiners in accordance with the provisions of § 1-20-60.

1980 Act No. 552, effective April 18, 1980, reauthorizes the existence of the Board of Cosmetic Examiners in accordance with the provisions of § 1-20-60.

By joint resolution of the General Assembly (R618, H3790), in accordance with the provisions of § 1-20-60 the existence of the Board of Architectural Examiners is reauthorized until July 1, 1981. The joint resolution, set out as 1980 Act No. 550 is effective June 11, 1980.

§ 1-20-70. Construction of chapter.

Nothing herein shall be construed to continue the existence of any agency until the designated termination date, nor shall anything herein be construed to abrogate the right of the General Assembly to terminate, consolidate, merge or otherwise alter the functions or structure of any agency prior to its termination date.

History: 1978 Act No. 608 § 8, eff July 23, 1978.

§ 1-20-80. Chapter shall be cumulative.

The requirement of this chapter shall be in addition to the requirements set forth in §§ 1-19-10 through 1-19-260 of the 1976 Code.

History: 1978 Act No. 608 § 9, eff July 23, 1978.

SOUTH DAKOTA

TERMINATION AND LEGISLATIVE REVIEW OF ADMINISTRATIVE RULES

S.D. Codified Laws Chap. 1-26B (1980 Revision)

CHAPTER 1-26B.—TERMINATION AND LEGISLATIVE REVIEW OF ADMINISTRATIVE RULES

Sec.
1-26B-1. Definition of terms.
1-26B-2. Decennial termination of rules and statutory authority—Schedule of agencies.
1-26B-3. Interim legislative committees to be established—Time of appointment—Duties of committees.
1-26B-4. Submission of proposed revisions to interim committee—Areas in which authority necessary.
1-26B-5. Committee review of rules—Time of commencement—Hearings.
1-26B-6. Burden of proof as to agency proposals—Information furnished by agencies.
1-26B-7. Factors considered by committees in reviewing agency rules.
1-26B-8. Information furnished by department of legislative audit.
1-26B-9. Committee reports—Distribution to legislators and Governor.
1-26B-10. Bills containing committee recommendations as to rules changes—Bills defining authority.
1-26B-11. Repealed by SL 1980, ch 19, § 2.
1-26B-12. Pending causes of action unaffected by termination of rules.

1-26B-1. Definition of terms. Terms as used in this chapter, unless the context otherwise requires, mean:

(1) "Agency," all divisions, offices, bureaus, commissions, councils and boards, or like government units or subunits of the departments;

(2) "Committee," the committee or committees created by § 1-26B-3;

(3) "Termination," end, abolishment or annulment of the rules and regulations of any agency or the act of causing their existence to cease.

Source: SL 1978, ch 18, § 1.

1-26B-2. Decennial termination of rules and statutory authority—Schedule of agencies. The administrative rules and regulations of the following agencies shall terminate, and any statutes which related to them shall be void insofar as they relate to the power and authority or function of such agencies to promulgate rules and regulations pursuant to the following schedule:

(1) The department of health and the housing development authority on June 30, 1980, and every tenth year thereafter;

(2) The department of social services on June 30, 1981, and every tenth year thereafter;

(3) The department of public safety on June 30, 1982, and every tenth year thereafter;

(4) The department of labor on June 30, 1983, and every tenth year thereafter;

(5) The department of game, fish and parks on June 30, 1984, and every tenth year thereafter;

(6) The department of education and cultural affairs on June 30, 1985, and every tenth year thereafter;

(7) The department of commerce on June 30, 1986, and every tenth year thereafter;

(8) The department of transportation and the department of military and veteran affairs on June 30, 1987, and every tenth year thereafter;

(9) The department of revenue on June 30, 1988, and every tenth year thereafter;

(10) The department of agriculture and the department of water and natural resources on June 30, 1989, and every tenth year thereafter;

Source: SL 1978, ch 18, § 2.

Commission Note.

Section 28, ch 238, SL 1980, adopted the administrative rules and regulations of the department of health as filed in the offices of the secretary of state, attorney general and code counsel on January 24, 1980. Section 27, ch 238, SL 1980, provided the administrative rules and regulations for the division of alcholism of the department of health terminated on October 1, 1980 pursuant to chapter 1-26B, but that the statutory authority for the promulgation of rules by the division did not terminate.

Section 1, ch 204, SL 1980, reestablished the rules and rule-making authority of the housing development authority.

1-2B-3. Interim legislative committees to be established—Time of appointment—duties of committees. The executive board of the legislative research council shall appoint an interim committee or committees composed of not less than seven nor more than eleven legislative members to review the rules and regulations of state agencies as set forth in this chapter.

Such appointments shall be made prior to April fifth of the year preceding the scheduled year for the agency pursuant to § 1-26B-2. Each committee shall be charged with the duty of assisting in the implementation of the procedures of this chapter and shall be charged with the duty of establishing administrative procedures which shall facilitate the review and evaluation procedure as provided in this chapter.

Source: SL 1978, ch 18, § 3.

1-26B-4. Submission of proposed revisions to interim committee—Areas in which authority necessary. Each agency designated in § 1-26B-2 shall deliver to the members of the interim committee or committees a proposed revision of all its rules and regulations, with an overview of changes proposed, at least fourteen months prior to the date specified in § 1-26B-2 as relates to the agency. Further, such agency shall designate the specific areas in which the rule-making authority is necessary.

Source: SL 1978, ch 18, § 4; 1979, ch 9, § 1.

1-26B-5. Committee review of rules—Time of commencement—Hearings. A committee or committees shall begin review of the rules and regulations of the state agency or agencies at least seven months prior to the beginning of the regular legislative session next preceding the date upon which the rules and regulations are scheduled to terminate. The committees shall hold public hearings and receive testimony from the public and all interested parties.

Source: SL 1978, ch 18, § 5.

1-26B-6. Burden of proof as to agency proposals—Information furnished by agencies. All agencies shall have the burden of establishing that sufficient public need is present which justifies the continued existence of their proposed revision of their rules and regulations. All agencies shall provide the committee with the following information:

(1) The identity of all agencies under the direct or advisory control of the agency under review, together with their proposed revision of their rules and regulations;

(2) All functions performed by the rules and regulations of the agency or agencies under review;

(3) All duplicatory functions of the rules and regulations of the agency or agencies under review;

(4) Any other information which a committee determines necessary and proper in carrying out their review and evaluative duties.

Source: SL 1978, ch 18, § 6.

1-26B-7. Factors considered by committees in reviewing agency rules. To determine whether a sufficient public need for continuance of an agency's rules and regulations, each committee shall take into consideration the following factors concerning the rules and regulations of the agency under review and evaluation:

(1) The extent to which any information required to be furnished to the reviewing committees has been omitted, misstated, or refused, and the extent to which conclusion reasonably drawn from such information is adverse to the legislative intent inherent in the powers, duties, and functions as established in the rulemaking authority of the agency, or is inconsistent with present or projected public demands or needs;

(2) The extent to which operation has been efficient and responsive to the public needs;

(3) The extent to which it has been encouraged that persons regulated report to the agency concerning the impact of rules and decisions regarding improved services, economy of service, or availability of service to the public;

(4) The extent to which the public has been encouraged to participate in rule- and decision-making as opposed to participation solely by persons regulated;

(5) Any other relevant criteria which the committee deems necessary and proper in reviewing and evaluating the sufficient public need for continuance of the rules and regulations of the agency.

Source: SL 1978, ch 18, § 7.

1-26B-8. Information furnished by department of legislative audit. The department of legislative audit shall furnish, upon request of a committee, any relevant information including the reports of audits of any agency under review.

Source: SL 1978, ch 18, § 8.

1-26B-9. Committee reports—Distribution to legislators and Governor. The committee shall submit reports recommending either the continuation, revision, or termination of the rules and regulations of each agency reviewed to the executive board of the legislative research council for distribution to legislators and the

Governor on, or before, the first legislative day of the ensuing regular legislative session.

Source: SL 1978, ch 18, § 9.

1-26B-10. Bills containing committee recommendations as to rules changes—Bills defining authority. The committee shall submit its recommendations concerning those rules and regulations that it believes should be continued to the Legislature in one or more bills so that the Legislature may vote to either reestablish or allow termination of the rules and regulations of the agency under review and evaluation. If it is determined that that the rule-making authority of the agency should be reestablished, the committee shall submit one or more bills defining the rule-making authority of the agency under review and evaluation.

Source: SL 1978, ch 18, § 10; 1979, ch 9, § 2.

1-26B-11. Repealed by SL 1980, ch 19, § 2.

1-26B-12. Pending causes of action unaffected by termination of rules. This chapter shall not affect the right to institute or prosecute any cause of action by or against an agency if the cause of action accrued prior to the termination date of the rules and regulations of the agency. Any causes of action pending on the date that the rules and regulations of an agency are terminated, or instituted thereafter, shall be prosecuted or defended in the name of the state by the attorney general.

Source: SL 1978, ch 18, § 12.

TENNESSEE

GOVERNMENTAL ENTITY REVIEW

Tenn. Code Ann. § 4-29-101 et seq. (1979 Repl. Volume)

CHAPTER 29.—GOVERNMENTAL ENTITY REVIEW

Part 1—Entity Review

4-29-101 Short title.
4-29-102 Purpose.
4-29-103 Review committees—Joint evaluation committee.
4-29-104 Hearings.
4-29-105 Evaluation committee objectives.
4-29-106 Criteria for review.
4-29-107 Abolition or transfer of governmental entities' functions—Recommended legislation.
4-29-108 Continuation, restructure or reestablishment of governmental entity—Recommended legislation.
4-29-109 Review of continued, restructured or reestablished entity—Automatic termination.
4-29-110 Tie vote in joint evaluation committee—Referral to legislative committees for action—Recommended legislation.
4-29-111 Cooperation of governmental entities with evaluation committee—Audits by comptroller of the treasury.
4-29-112 Winding up affairs of terminated entity.
4-29-113 Continuation of claims or rights against terminated entity—Rights of bondholders and other creditors.
4-29-114 Recommended legislation—One entity in a bill—Caption.
4-29-115 Extension of life of entity pending completion of evaluation.
4-29-116 Termination of entity prior to statutory termination date—Consideration of legislation concerning entity.
4-29-117 Study and recommendations by other committees authorized.
4-29-118 Review of legislation creating new governmental entities by evaluation committee.
4-29-119 Review of governmental entities not enumerated in this chapter.
4-29-120 Review of comprehensive statewide plan of the law-enforcement planning agency commission.

Part 2—Termination of Entities

4-29-201 Governmental entities terminated on June 30, 1980.
4-29-202 Governmental entities terminated on June 30, 1981.
4-29-203 Governmental entities terminated on June 30, 1982.
4-29-204 Governmental entities terminated on June 30, 1983.
4-29-205 Governmental entities terminated on June 30, 1984.
4-29-206 Governmental entities terminated on June 30, 1985.
4-29-207 Governmental entities terminated on June 30, 1986.

Part 1—Entity Review

4-29-101. Short title.—This chapter shall be known and may be cited as the "Tennessee Governmental Entity Review Law." [Acts 1977, ch, 452 § 1; T.C.A. § 4-2901.]

4-29-102. Purpose.—The general assembly finds and declares that state regulation of its citizens, business, and industry is increasing at an alarming rate and that a method of reviewing such regulation is necessary to insure that unnecessary and harmful regulation is abolished and that legitimate, necessary regulation is conducted efficiently and economically. It is the intent of the general assembly by this chapter to provide a responsible method to review state governmental entities to insure that state governmental regulation is beneficial rather than detrimental to the public interest of the citizens of Tennessee. [Act 1977, ch 452, § 2; T.C.A., § 4-2902.]

4-29-103. Review committees—Joint evaluation committee.— The speaker of the house of representatives and the speaker of the senate shall designate appropriate committees in their respective houses to conduct the review of governmental entities as provided in this chapter. The chairmen of such committees shall appoint a subcommittee to conduct the review of each governmental entity.

The appropriate subcommittees appointed in the senate and in the house of representatives shall meet as a joint committee as the evaluation committee to review each governmental entity assigned to such committee. There shall be an equal number of senators and representatives on the two (2) subcommittees and committees when meeting as a joint evaluation committee for the review of any specific governmental entity.

Members of the evaluation committee shall serve until their successors are appointed in accordance with this section so long as such members remain members of the general assembly. Any member of the evaluation committee who ceases to be a member of the general assembly shall cease to be a member of the evaluation committee on the same date his membership in the general assembly ceases, as provided in the Constitution of the state of Tennessee. In the event a majority of the membership of any subcommittee comprising an evaluation committee shall cease to be members of the general assembly, the speaker of the house in which such vacancies occur shall designate members of that house to interim appointments until such time as the evaluation committee is reconstituted as provided in this section. [Acts 1977, ch. 452, § 9; T.C.A., § 4-2909.]

Section to Section References. This section is referred to in § 4-29-104.

4-29-104. Hearings.—Prior to the termination, continuation, reestablishment or restructure of any governmental entity, the evaluation committee created in § 4-29-103 shall hold at least one public hearing and receive testimony from the public and from the administrative head of the governmental entity. The governmental entity shall have the burden of demonstrating the public need for its continued existence and the extent to which any change in organization, structure, or transfer to another department of state government for administrative purposes would increase the operational or administrative effectiveness and efficiency of such entity.

Notice of the time and place of the public hearing shall be published in at least one newspaper of general circulation in each of the state's major metropolitan areas, Nashville, Memphis, Knoxville, Chattanooga, and the tri-cities area composed of Bristol, Johnson City, and Kingsport, thirty (30) days prior to the hearing. [Acts 1977, ch. 452, § 10; T.C.A., § 4-2910.]

4-29-105. Evaluation committee objectives.—The evaluation committee shall have as its objectives:

(1) The review of present programs and strategies of entities to determine the quality, efficiency, and success of such programs and strategies in implementation of legislative mandates;

(2) The continuation of successful and efficient entities which are beneficial to the citizens of the state and the modification

of any organizational structure which would result in more efficient or effective service to the public;

(3) The elimination of inactive entities;

(4) The elimination of entities which duplicate other entities or other governmental programs and activities, or an appropriate consolidation of them; and

(5) The elimination of inefficient, ineffective, unnecessary, or undesirable entities. [Acts 1977, ch. 452, § 11; T.C.A. § 4-2911.]

4-29-106. Criteria for review.—In conducting the review of governmental entities, the evaluation committee shall take into consideration the following factors:

(1) The extent to which regulatory entities have permitted qualified applicants to serve the public;

(2) The extent to which the affirmative action requirements of state and federal statutes have been complied with by the governmental entity or the industry which it regulates;

(3) The extent to which the governmental entity has recommended statutory changes to the general assembly which would benefit the public as opposed to those persons it regulates;

(4) The extent to which the governmental entity has required the persons it regulates to report to it concerning the impact of its rules and decisions on the public with respect to improvement, economy, and availability of service;

(5) The extent to which persons regulated by the governmental entity have been required to assess problems in the professions or vocations which affect the public;

(6) The extent to which the governmental entity has encouraged public participation in its rules and decision making, as opposed to participation solely by the persons it regulates;

(7) The degree of efficiency with which formal public complaints concerning those persons regulated by the governmental entity have been processed to completion or forwarded to appropriate officials for completion;

(8) The extent to which the governmental entity has considered alternative methods by which other jurisdictions have attempted to achieve the same or similar program goals;

(9) The extent to which the governmental entity has considered the results of published and unpublished studies of various alternative methods of accomplishing the objectives of the entity;

(10) The extent to which the absence of regulation would endanger the public health, safety, or welfare;

(11) The extent to which regulation directly or indirectly increases the costs of goods or services to the public;

(12) The extent to which the regulatory process is designed to protect and promote the public interest and the degree to which that process has attained those objectives;

(13) The extent to which the governmental entity has operated in the public interest, and the extent to which its operations have been impeded or enhanced by existing statutory procedures, practices of the department to which it is attached for administrative purposes, or any other relevant circumstances, including budgetary, resource and personnel matters which

have affected its performance with respect to its public purpose; and

(14) The extent to which changes are necessary in the enabling statutes to adequately comply with subsections (1)-(13) of this section. [Acts 1977, ch. 452, § 11; T.C.A., § 4-2912.]

4-29-107. Abolition or transfer of governmental entities' functions—Recommended legislation.—If the evaluation committee by a majority vote determines that a governmental entity should be terminated, the evaluation committee shall cause to be introduced legislation necessary to transfer or abolish such entity's functions, duties, and powers and repeal or amend any section of Tennessee Code Annotated or the Public Acts that would be repealed or amended by implication if the governmental entity is terminated. [Acts 1977, ch. 452, § 12; T.C.A., § 4-2913.]

Section to Section References. Sections 4-29-107—4-29-110 are referred to in §§ 4-29-109, 4-29-115.

4-29-108. Continuation, restructure or reestablishment of governmental entity—Recommended legislation.—If the evaluation committee by a majority vote determines that a governmental entity should be continued, restructured, or reestablished; if the duties, powers, authority, or functions of the governmental entity are changed; or if the governmental entity is transferred to another department of state government for administrative purposes, the evaluation committee shall cause to be introduced legislation to amend the appropriate sections of Tennessee Code Annotated or the Public Acts. [Acts 1977, ch. 452, § 12; T.C.A., § 4-2914.]

4-29-109. Review of continued, restructured or reestablished entity—Automatic termination.—Each governmental entity which is continued, restructured, or reestablished under §§ 4-29-107—4-29-110 shall terminate six (6) years following its continuation or reestablishment and shall be subject every six (6) years thereafter during its existence to the review and procedures provided for in this chapter. [Acts 1977, ch. 452, § 12; T.C.A., § 4-2915.]

4-29-110. Tie vote in joint evaluation committee—Referral to legislative committees for action—Recommended legislation.—If by a tie vote of the evaluation committee no determination of status of a government entity can be decided, the evaluation committee shall refer the final decision to the appropriate committees of the respective houses which shall meet jointly to hear the recommendations of each member of the evaluation committee. The vote of the majority of the members, present and voting, of such appropriate committees meeting jointly shall decide the final recommendation on the abolition, transfer, or continuation or restructure of the governmental entity and the evaluation committee shall cause the introduction of legislation required by this vote. [Acts 1977, ch. 452, § 12; T.C.A., § 4-2916.]

4-29-111. Cooperation of governmental entities with evaluation committee—Audits by comptroller of the treasury.—All governmental entities shall provide the evaluation committee with any information or assistance it requires.

The comptroller of the treasury shall perform limited program review audits to aid the review of the evaluation committee and shall, from time to time, counsel and consult with the committee on its informational requirements on the governmental entities being reviewed. [Acts 1977, ch. 452, § 13; T.C.A., § 4-2917.]

4-29-112. Winding up affairs of terminated entity.—Upon the termination of any governmental entity under the provisions of this chapter, it shall continue in existence until June 30 of the next succeeding calendar year for the purpose of winding up its affairs. During that period, termination shall not diminish, reduce, or limit the powers or authorities of each respective governmental entity. When the wind-up period expires, the governmental entity shall cease all activities. [Acts 1977, ch. 452, § 14; T.C.A., § 4-2918.]

4-29-113. Continuation of claims or rights against terminated entity—Rights of bondholders and other creditors.—This chapter shall not cause the dismissal of any claim or right of any person against any governmental entity or any claim or right of a governmental entity terminated under this chapter which is the subject of litigation. Such claims and rights shall be assumed by the state as of the date of termination.

If any entity terminated under the provisions of this chapter has any outstanding bonds or other indebtedness, the state shall preserve the rights of the holders of such bonds or other indebtedness and the obligations and rights of such entity shall accrue to the state. [Acts 1977, ch. 452, § 15; T.C.A., § 4-2919.]

4-29-114. Recommended legislation—One entity in a bill—Caption.—Any legislation which the evaluation committee causes to be introduced shall concern only one governmental entity and the name of such entity shall be contained in the caption of the bill. However, if the evaluation committee causes legislation to be introduced which would restructure two (2) or more entities by combining their functions, duties, or administration, then such legislation may concern all the entities thereby restructured, provided that the names of all such entities are contained in the caption of the bill. [Acts 1977, ch. 452, § 16; 1979, ch. 8, § 1; T.C.A., § 4-2920.]

4-29-115. Extension of life of entity pending completion of evaluation.—If any governmental entity is scheduled to be terminated before the review by the evaluation committee under the provisions of this chapter is completed and before any legislative action is taken pursuant to §§ 4-29-107—4-29-110, such entity shall continue its operations for an additional year after which it shall cease to exist without legislation pursuant to §§ 4-29-107—4-29-110. [Acts 1977, ch. 452, § 16; T.C.A., § 4-2921.]

4-29-116. Termination of entity prior to statutory termination date—Consideration of legislation concerning entity.—Nothing in this chapter shall be construed to prohibit the general assembly from terminating an entity covered by its provisions at a date earlier than that provided herein, nor to prohibit the general assembly from considering any other legislation relative to such an entity. [Acts 1977, ch. 452, § 17; T.C.A., § 4-2922.]

4-29-117. Study and recommendations by other committees authorized.—Nothing in this chapter shall be construed to prohibit an evaluation committee or any other committee from studying or making recommendations on or concerning any governmental entity. [Acts 1977, ch. 452, § 17; T.C.A., § 4-2923.]

4-29-118. Evaluation committee review of legislation creating new governmental entities.—Any legislation which creates a new department, commission, board, agency or council of state government shall be referred to the government operations committee by the speaker of each house prior to its referral to the appropriate standing committee. The government operations committee of each house shall review the legislation in accordance with this chapter to the extent that standards of evaluation are appropriate. The government operations committee of each house shall recommend that the legislation be considered for passage or shall recommend against passage to the appropriate standing committee.

Nothing contained within the provisions of this section shall be construed to prevent the government operations committee from being considered as an appropriate standing committee to consider legislation which creates a new department, commission, board, agency or council of state government.

Except when the government operations committee is designated as the appropriate standing committee, nothing contained in the provisions of this section shall be construed to authorize the government operations committee to delay or prevent the referral of such legislation to the appropriate standing committee by withholding its recommendation. [Acts 1977, ch. 452, § 18; 1979, ch. 197, § 1; T.C.A., § 4-2924.]

4-29-119. Review of governmental entities not enumerated in this chapter.—If any state governmental entity is not scheduled for review in §§ 4-29-201—4-29-206, the comptroller of the treasury shall advise the chairmen of the appropriate evaluation committee of the schedule for the limited program review audit for such entity and such entity shall be reviewed by such evaluation committee in accordance with such schedule and every six (6) years thereafter. It is the duty of the commissioner of finance and administration to advise the comptroller and the chairmen of the appropriate evaluation committee of any such entity. [Acts 1977, ch. 452, § 19; T.C.A., § 4-2925.]

4-29-120. Review of comprehensive statewide plan of the law-enforcement planning agency commission.—When the general assembly is not in session, the appropriate evaluation committee is hereby designated as the committee to provide legislative advisory review of the comprehensive statewide plan of the Tennessee law-enforcement planning agency commission prior to its submission to the law-enforcement assistance administration, U.S. department of justice, by the governor as authorized by P.L. 94-503 (43 U.S.C. 3726). Such review shall include the general goals, priorities, policies that comprise the basis of such plan, and any possible conflicts with state law. The committee shall submit a report of its advisory review to the governor. [Acts 1977, ch. 452, § 20; T.C.A., § 4-2926.]

PART 2—TERMINATION OF ENTITIES

4-29-201. Governmental entities terminated on June 30, 1980.—The following governmental entities shall terminate on June 30, 1980:

(1) Administrative committee to board of accountancy, created by § 62-125;

(2) Agriculture Hall of Fame, board of governors, created by chapter 43 of the Public Acts of 1937;

(3) Athletic commission, created by § 62-2802 [Repealed effective June 30, 1980.];
(4) Board of accountancy, created by § 62-119;
(5) Board of funeral directors and embalmers, created by § 62-502;
(6) Board of review, created by § 43-519;
(7) Commission on aging, created by § 14-1702;
(8) Commission on status of women, created by § 4-22-101;
(9) Department of agriculture, created by § 4-3-101;
(10) Department of insurance, created by § 4-3-101;
(11) Department of safety, § 4-3-101;
(12) Driver license compact, created by § 59-720;
(13) Obion-Forked Deer Basin authority, board of directors, created by § 66-1-401;
(14) Pest control board, created by § 62-2104;
(15) Pest control compact, created by § 43-2801;
(16) Public livestock market board, created by § 44-2406;
(17) Real estate commission, created by § 62-1309;
(18) State board of agriculture, created by § 43-202;
(19) Vehicle equipment safety compact, created by § 59-981.

Any governmental entity which has been terminated under this section may be continued, reestablished, or restructured in accordance with this chapter. [Acts 1977, ch. 452, § 3; modified; impl. am. Acts 1978, ch. 844, §§ 4, 28; Acts 1979, ch. 2. § 1; 1979, ch. 3, § 1; 1979, ch. 5, § 1; 1979, ch. 6, § 1; 1979, ch. 21, § 1; 1979, ch 28, § 5; 1979, ch. 29, § 2; 1979, ch. 44, § 1; 1979, ch. 59, § 1; 1979, ch. 62 § 1; 1979, ch. 258, § 6; 1979, ch. 263, § 42; 1979, ch. 378, § 23; 1979, ch. 379, § 9; 1979, ch. 380, § 4; T.C.A., § 4-2903.]

Section to Section References. Sections 4-29-201—4-29-206 are referred to in § 4-29-119.

4-29-202. Governmental entities terminated on June 30, 1981.— The following governmental entities shall terminate on June 30, 1981:

(1) Association for the relief of ex-convicts, created by § 41-1501;
(2) Board of pardons and paroles, created by § 40-3601;
(3) Board of standards, created by § 12-301;
(4) Compact on probation and parole, created by § 40-3626;
(5) Department of correction, created by § 4-3-101;
(6) Department of general services, created by § 4-3-101;
(7) Department of tourist development, created by § 4-3-101;
(8) Department of veterans' affairs, created by § 4-3-101;
(9) Interstate compact on detainers, created by § 40-3901;
(10) Interstate corrections compact, created by § 41-1902;
(11) Tennessee Corrections Institute, board of control, created by § 41-2105;
(12) Wildlife resources commission, created by § 51-101

Any governmental entity which has been terminated under this section may be continued, reestablished, or restructured in accordance with this chapter. [Acts 1977, ch. 452, § 4; modified; T.C.A., § 4-2904.]

4-29-203. Governmental entities terminated on June 30, 1982.— The following governmental entities shall terminate on June 30, 1982:

(1) Alcohol and drug dependence advisory commission, created by § 33-819;

(2) Alcoholic beverage commission, created by § 57-801;

(3) Arlington Developmental Center, board of trustees, created by § 33-201;

(4) Clover Bottom Developmental Center, board of trustees, created by § 33-201;

(5) Commission for uniform legislation, created by § 4-9-101;

(6) Department of mental health and mental retardation, board of trustees, created by § 33-106;

(7) Department of mental health and mental retardation, created by § 4-3-101;

(8) Fiscal review committee, created by § 3-7-101;

(9) Greene Valley Developmental Center, board of trustees, created by § 33-201;

(10) Human development commission, created by § 4-21-103;

(11) Interstate compact on mental health, created by § 33-1501;

(12) Lakeshore Mental Health Institute, board of trustees, created by § 33-201;

(13) Medical malpractice review board, created by § 23-3403;

(14) Middle Tennessee Mental Health Institute, board of trustees, created by § 33-201;

(15) Moccasin Bend Mental Health Institute, board of trustees, created by § 33-201;

(16) Publications committee, created by § 12-1001;

(17) Public service commission, created by § 65-101;

(18) State university and community colleges, board of regents, created by § 49-3237;

(19) Western Mental Health Institute, board of trustees, created by § 33-201.

Any governmental entity which has been terminated under this section may be continued, reestablished, or restructured in accordance with this chapter. [Acts 1977, ch. 452, § 5; modified; impl. am. Acts 1978 (Adj. S.), ch. 617, § 2; impl. am. Acts 1978 (Adj. S.), ch. 748, § 4; impl. am. Acts 1978 (Adj. S.), ch. 939, §§ 2, 9; Acts 1979, ch. 6, § 2; T.C.A., § 4-2905.]

4-29-204. Governmental entities terminated on June 30, 1983.— The following governmental entities shall terminate on June 30, 1983:

(1) Advisory committee for crippled children's service, created by § 53-1906;

(2) Air pollution control board, created by § 53-3411;

(3) Anatomical board of commissioners, created by § 53-504;

(4) Archeology advisory council, created by § 11-1503;

(5) Banking board, created by § 45-124;

(6) Beech River watershed authority, board of directors, created by § 66-1-101;

(7) Board of chiropractic examiners, created by § 63-402;

(8) Board of dental examiners, created by § 63-530;

(9) Board of dispensing opticians, created by § 63-1401;

(10) Board of electrolysis, created by § 62-2404;

(11) Board of examiners for nursing home administrators, created by § 63-1602;

(12) Board of examiners in psychology, created by § 63-1101;

(13) Board of examiners of speech pathology and audiology, created by § 63-1704;

(14) Board of ground water resources, created by § 70-2307;

(15) Board for licensing health care facilities, created by § 53-1303;

(16) Board of medical examiners, created by § 63-601;

(17) Board of nursing, created by § 63-730;

(18) Board of optometry, created by § 63-803;

(19) Board of osteopathic examination, created by § 63-901;

(20) Board of physical therapy examiners, created by § 63-1303;

(21) Board of registration in podiatry, created by § 63-303;

(22) Board of trustees for tuberculosis control, created by § 53-1024;

(23) Board of veterinary medical examiners, created by § 63-1204;

(24) Chickasaw Basin authority, created by § 66-1-201;

(25) Crag Font restoration commission, board of directors, created by § 4-13-403;

(26) Conservation commission, created by § 11-201;

(27) Department of banking, created by § 4-3-101;

(28) Department of conservation, created by § 4-3-101;

(29) Department of public health, created by § 4-3-101;

(30) Department of revenue, created by § 4-3-101;

(31) Elk River development agency, board of directors, created by §§ 66-1-301, 66-1-302;

(32) Emergency medical services advisory council, created by § 53-5101;

(33) Environmental engineering project advisory board, created by § 53-4903;

(34) Ft. Loudon association, board of trustees, created by chapter 127 of the Public Acts of 1933 [Repealed];

(35) Great Smoky Mountains Park commission, created by § 11-19-101;

(36) Health facilities commission, created by § 53-5404;

(37) Health planning council, created by § 53-4004;

(38) Hemophilia advisory committee, created by § 53-5603;

(39) Historical commission, created by § 4-11-102;

(40) Interstate environmental compact, created by § 53-5001;

(41) Ladies' hermitage association, board of trustees created by § 4-13-101;

(42) Licensing board for the healing arts, created by § 63-101;

(43) Medical care advisory committee/medicaid medical advisory committee, created by § 14-1921;

(44) Medical laboratory act, blood bank advisory committee, created by § 53-4109;

(45) Medical laboratory act, educational advisory committee, created by § 53-4109;

(46) Medical laboratory act, licensure advisory committee, created by § 53-4109;

(47) Medical laboratory act, technical advisory committee, created by § 53-4109;

(48) Mineral test hole regulatory board, created by § 58-1906;

(49) Oil and gas board, created by § 60-103;
(50) Perinatal advisory committee, created by § 53-129;
(51) Poison control centers advisory committees, created by § 53-5803;
(52) Public health council, created by § 53-114;
(53) Reclamation review board, created by § 58-1556;
(54) Renal disease advisory committee, created by § 53-4702;
(55) Sam Davis Memorial Association, board of trustees, created by § 4-13-301;
(56) Sequatchie Valley planning and development agency, board of directors, created by §§ 66-1-501, 66-1-502;
(57) Solid waste disposal control board, created by § 53-4311;
(58) Southeast interstate forest fire protection compact, created by § 11-425;
(59) Speech pathology and audiology board of examiners advisory council, created by § 63-1723;
(60) State board of examiners for registered professional environmentalists, created by § 62-1703;
(61) State advisory hospital committee, created by § 53-1205;
(62) State soil conservation committee, created by § 43-1503;
(63) Upper Duck River developing agency, board of directors, created by §§ 66-1-601, 66-1-602;
(64) Water and wastewater operators, board of certification, created by § 53-2032;
(65) Water quality control board, created by § 70-327;

Any governmental entity which has been terminated under this section may be continued, reestablished or restructured in accordance with this chapter. [Acts 1977, ch. 452, § 6; modified; Acts 1979, ch. 84, § 1; T.C.A., § 4-2906]

Compiler's Notes. Chapter 127 of Acts 1933, which created the Ft. Loudon association, board of trustees, referred to in subsection (64), was repealed and replaced by Acts 1977, ch. 258. See § 4-29-207 for termination date.

4-29-205. Governmental entities terminated on June 30, 1984.— The following governmental entities shall terminate on June 30, 1984:

(1) Appeals tribunal, department of employment security, created by § 50-1325;
(2) Board of claims, created by § 9-801;
(3) Board of review, department of employment security, created by § 50-1332;
(4) Child development coordinating council, created by § 49-5106;
(5) Child welfare licensing board of review, created by § 14-1410;
(6) Civil defense and disaster compact, created by § 7-701;
(7) Civil service commission, created by § 8-3002;
(8) Commission on children and youth, created by § 37-702;
(9) Community development board, created by § 13-1504;
(10) Compact on placement of children, created by § 37-1401;
(11) Council on pensions and retirement, created by § 3-9-101;
(12) Defense counsel commission, created by § 8-4202;
(13) Department of economic and community development, created by § 4-3-101;

(14) Department of employment security, created by § 4-3-101;

(15) Department of finance and administration, created by § 4-3-101;

(16) Department of human services, created by § 4-3-101;

(17) Department of personnel, created by § 4-3-101;

(18) Employment security advisory council, created by § 50-1337;

(19) Farm placement advisory council, created by § 50-1337;

(20) Forms reduction and management appeals board, created by § 4-25-106;

(21) Human services advisory committees, created by § 14-110;

(22) Industrial and agricultural development commission, created by § 4-14-101;

(23) Industrial development authority, created by § 13-1604;

(24) Industrial development division, building finance committee, created by § 4-14-109;

(25) Insurance committee, created by § 8-4501;

(26) Local government planning advisory committee, created by § 13-102;

(27) Medical advisory committee for radiological health, created by § 53-3103;

(28) National guard efficiency and medical examination board, created by § 7-131;

(29) Public records commission, created by § 15-402;

(30) Recreational development advisory commission, created by § 11-1204;

(31) School bond authority, created by § 49-3514;

(32) Southern growth policies board, created by § 13-2001;

(33) Southern interstate nuclear board, created by § 53-3501;

(34) Southern interstate nuclear compact, created by § 53-3501;

(35) Standards committee, created by § 14-1404;

(36) State board of equalization, created by § 4-3-5101;

(37) State building commission, created by § 4-15-101;

(38) State election commission, created by § 2-11-101;

(39) State funding board, created by § 9-901;

(40) Tennessee state advisory commission on aging, created by § 14-1702;

(41) University of Tennessee board of trustees, created by § 49-3302;

(42) University of Tennessee Energy Institute, board of directors, created by § 49-3367.

Any governmental entity which has been terminated under this section may be continued, reestablished, or restructured in accordance with this chapter. [Acts 1977, ch. 452, § 7; modified; T.C.A., § 4-2907.]

4-29-206. Governmental entities terminated on June 30, 1985.— The following governmental entities shall terminate on June 30, 1985:

(1) Advisory board of vocational training centers, created by § 49-2818;

(2) Advisory council for education of the handicapped, created by § 49-2916;
(3) Advisory council on teacher education and certification, created by § 49-1240;
(4) Appellate court nominating commission, created by § 17-702;
(5) Board of boiler rules, created by § 53-2701;
(6) Board of examiners for mines, created by § 58-401;
(7) Board of law examiners, created by § 29-101;
(8) Bureau of waterways and rail transportation, created by § 70-2041;
(9) Cherohala commission, created by § 11-19-201;
(10) Code commission, created by § 1-1-101;
(11) Commission on postsecondary vocation institution authorization, created by § 49-3905;
(12) Compact for education, created by § 49-4301;
(13) Department of education, created by § 4-3-101;
(14) Department of labor, created by § 4-3-101;
(15) Department of transportation, created by § 4-3-101;
(16) Education council, created by § 49-4302;
(17) Educational television advisory committees, created by § 49-3803;
(18) Elevator safety board, created by § 53-2602;
(19) Housing development agency, board of directors, created by § 13-2305;
(20) Housing rehabilitation corporation, board of directors, created by § 13-2203;
(21) Interstate compact on juveniles, created by § 37-801;
(22) Interstate library commission, created by § 10-701;
(23) Interstate mining compact, created by § 58-1801;
(24) Interstate oil and gas compact, created by § 60-301;
(25) Judicial council, created by § 16-901;
(26) Law enforcement planning commission, created by § 38-1001;
(27) Law Enforcement Training Academy board of control, created by § 38-803.
(28) Library and archives commission, created by § 10-102;
(29) Medical board of Tennessee consolidated retirement system, created by § 8-3927;
(30) Occupational safety and health review commission, created by § 50-554;
(31) Prevailing wage commission, created by § 12-438;
(32) Private employment agency board, created by § 50-1405;
(33) Southern regional education, board of control, created by § 49-3601;
(34) Southern regional education compact, created by § 49-3601;
(35) State board of education, created by § 49-106;
(36) State law library commission, created by § 10-515;
(37) State textbook commission, created by § 49-2001;
(38) Tennessee aeronautics commission, created by § 42-204;
(39) Tennessee arts commission, created by § 4-20-101;
(40) Tennessee consolidated retirement system, board of trustees, created by § 8-3925;

(41) Tennessee higher education commission, created by § 49-4201;

(42) Tennessee student assistance corp., board of directors, created by § 49-5002;

(43) Tennessee River Basin compact, created by § 70-1901;

(44) Tollway authority, created by § 54-2704;

(45) Tombigbee Waterway development authority, created by § 70-2101;

(46) Vocational training centers, boards of directors, created by § 49-2820;

Any governmental entity which has been terminated under this section may be continued, reestablished or restructured in accordance with this chapter. [Acts 1977, ch. 452, § 8; impl. am. Acts 1977, ch. 472, § 1; T.C.A., § 4-2908.]

4-29-207. Governmental entities terminated on June 30, 1986.— The following governmental entities shall terminate on June 30, 1986:

(1) Board of examiners, created by § 62-301;

(2) Board of building code appeals, created by § 53-2556;

(3) Board of cosmetology, created by § 62-402;

(4) Board of examiners for architects and engineers, created by § 62-202;

(5) Board of survey examiners, created by § 62-1803;

(6) Board of pharmacy, created by § 63-1001;

(7) Board of polygraph examiners, created by § 62-2704;

(8) Collection service board, created by § 62-2005;

(9) Commission on fire fighting personnel standards and education, created by § 4-24-101;

(10) Consumer advisory board, created by § 47-18-105;

(11) Earthquake information center, created by § 49-3262;

(12) Employee suggestion advisory board, created by § 4-27-102;

(13) Fort Loudon board of trustees, created by § 4-13-503;

(14) Institute of labor studies, created by § 4-32-101;

(15) Joint legislative services committee, created by § 3-10-101;

(16) Joint underwriting association, board of directors, created by § 56-4309;

(17) Joint underwriting association stabilization reserve fund, board of directors, created by § 56-4306;

(18) Northwest Tennessee railroad authority, created by § 66-2-101;

(19) Office of business enterprise, created by § 4-26-101;

(20) Parks and recreation technical advisory service, created by § 11-1208;

(21) South central Tennessee railroad authority, created by § 66-2-201;

(22) State advisory council for vocational education, created by § 49-2711;

(23) State board for licensing contractors, created by § 62-604;

(24) Statewide labor educational association advisory committee, created by § 4-32-102;

(25) Tennessee advisory commission on intergovernmental relations, created by § 4-10-102;

(26) Tennessee auctioneer commission, created by § 62-1904;

(27) Tennessee board for licensing hearing aid dispensers, created by § 63-1502;

(28) Tennessee council for the hearing impaired, created by § 14-2502;

(29) Tennessee energy authority, created by § 4-28-103;

(30) Tennessee motor vehicle commission, created by § 59-1703;

(31) Tennessee soybean promotion board, created by § 43-3002;

(32) Tennessee student loan program, created by § 50-5401;

(33) Trust company of Tennessee, created by § 9-1601.

Any governmental entity which has been terminated under this section may be continued, reestablished or restructured in accordance with this chapter. [Acts 1977, ch. 452, § 8; impl. am. Acts 1977, ch. 472, § 1; 1979, ch. 2, § 1; 1979, ch. 3, § 1, 1979, ch. 5, § 1, 1979, ch. 7, § 1; 1979, ch. 21, § 1; 1979, ch. 29, § 2; 1979, ch. 44, § 1; 1979, ch. 59, § 1; 1979, ch. 62, § 1; 1979, ch. 84, § 2; 1979, ch. 258, § 6; 1979, ch. 263, § 42; 1979, ch. 378, § 23; 1979, ch. 379, § 9; 1979, ch. 380, § 4; T.C.A., § 4-2908(b).]

Compiler's Notes. Section 7 of Acts 1979, ch. 258, reads: "Within the four (4) year period following the effective date of this act, the comptroller of the treasury shall perform a limited program review audit of the commission on fire fighting personnel standards and education and shall report its findings to the appropriate evaluation committee."

TEXAS

TEXAS SUNSET ACT

Tex. Rev. Civ. Stat. Ann. art. 5429k (1980–81 Cum. Ann. Pocket Part)

ART. 5429K. SUNSET ACT

SHORT TITLE

Section 1.01. This Act may be cited as the Texas Sunset Act.

DEFINITIONS

Sec. 1.02. In this Act:

(1) "State agency" means:

(A) an agency that is expressly made subject to this Act; or

(B) a department, commission, board, or other agency (except a university system or an institution of higher education as defined in Section 61.003, Texas Education Code, as amended) that:

(i) is created by statute after January 1, 1977;

(ii) is part of any branch of state government; and

(iii) has authority that is not limited to a geographical portion of the state.

(2) "Advisory committee" means a committee, council, commission, or other entity created by or pursuant to state law whose primary function is to advise a state agency.

(3) "Commission" means the Sunset Advisory Commission.

SUNSET ADVISORY COMMISSION

Sec. 1.03. (a) The Sunset Advisory Commission is created.

(b) The commission is composed of four members of the senate appointed by the lieutenant governor and four members of the house appointed by the speaker of the house. Each appointing authority may designate himself as one of the four appointees.

(c) Members appointed by the lieutenant governor and the speaker of the house serve four-year terms, with terms staggered so that the terms of one-half of the membership from each house expire every two years. When making the initial appointments, the lieutenant governor and the speaker of the house shall determine which of their respective appointees serve two-year terms and which serve four-year terms. If the lieutenant governor or the speaker serves on the commission, he continues to serve until resignation from the commission or until he ceases to hold the office.

(d) Once a person has served six years on the commission, he is not eligible for appointment to another term or part of a term. A member who has served more than half of a full term may not be appointed to an immediately succeeding term. These restrictions do not apply to the lieutenant governor or the speaker of the house.

(e) Each appointing authority shall make his appointments to the commission as soon as possible after final adjournment of the regular session.

(f) A member of the commission vacates his position on the commission when he ceases to be a member of the house from which he was appointed.

(g) A vacancy on the commission shall be filled for the unexpired part of the term in the same manner as the original appointment.

(h) The members of the commission elect a chairman every two years from among their members. The chairmanship must alternate between the house and senate.

(i) A quorum shall consist of at least six members, three of whom must be appointees of the lieutenant governor, and three of whom must be appointees of the speaker of the house. No final action or recommendation may be made unless approved by a record vote of a majority of the full membership of the appointees of the lieutenant governor and of the appointees of the speaker of the house.

(j) Each member of the commission is entitled to reimbursement from the appropriate fund of the member's respective house for the expenses he actually and necessarily incurs in performing the duties of the commision.

STAFF

Sec. 1.04. (a) The personnel of the Performance and Evaluation Section, or its successor, of the Legislative Budget Board shall serve as the staff of the commission.

(b) In addition to the staff provided for under Subsection (a) of this section, the commission may employ other persons authorized by appropriations and necessary for administering the provisions of this Act.

REPORT ON ADVISORY COMMITTEES

Sec. 1.05. Before October 30 of each calendar year, each state agency shall file an annual report with the Secretary of State to register all of its advisory committees and report the following information regarding the agency's advisory committees:

(1) the official names of the advisory committees;

(2) the statutory authority, if any, for the advisory committees;

(3) the advisory committees' objectives and functions;

(4) the period of time necessary for the advisory committees to carry out their objectives;

(5) a reference to the reports that the advisory committees have presented to the agency;

(6) the names and occupations of the current members of the advisory committees; and

(7) other available information that will assist the staff and the commission to determine the need for continuing the advisory committees.

AGENCY REPORT TO COMMISSION

Sec. 1.06. Before October 30 of the odd-numbered year before the year a state agency is abolished according to this Act, the agency shall report to the commission:

(1) information regarding the application to the agency of the criteria in Section 1.10 of this Act;

(2) information specified in Section 1.05 of this Act regarding each of the agency's advisory committees; and

(3) any other information that the agency considers appropriate or that is requested by the commission.

COMMISSION DUTIES

Sec. 1.07. Before June 1 of the even-numbered year before the year a state agency and its advisory committees are abolished according to this Act, the commission shall:

(1) review and take action necessary to verify the reports submitted by the agency under Section 1.06 of this Act;

(2) consult the Legislative Budget Board, the Governor's Budget and Planning Office, the state auditor, and the comptroller of public accounts, or their successors, on the application to the agency of the criteria provided in Section 1.10 of this Act; and

(3) conduct a performance evaluation of the agency based on the criteria provided in Section 1.10 of this Act and prepare a written report, which is a public record.

PUBLIC HEARINGS

Sec. 1.08. Between June 1 and November 1 of the calendar year before the year a state agency and its advisory committees are abolished according to this Act, the commission shall conduct public hearings on but not limited to the application to the agency of the criteria provided in Section 1.10 of this Act, except that the commission may hold the public hearings before June 1 if the evaluation required by Section 1.07(3) of this Act has been completed and made available to the public.

COMMISSION REPORT

Sec. 1.09. Before December 15 of the calendar year before the year a state agency and its advisory committees are abolished according to this Act, the commission shall present to the legislature and the governor a report on the agency and its advisory committees. In the report the commission shall include its specific findings with regard to each of the criteria set forth in Section 1.11 of this Act, its recommendations based on the matters set forth in Section 1.10 of this Act, and other information considered necessary by the commission for a complete evaluation of the agency.

CRITERIA FOR REVIEW

Sec. 1.10. The staff and the commission shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees:

(1) the efficiency with which the agency or advisory committee operates;

(2) an identification of the objectives intended for the agency or advisory committee and the problem or need which the agency or advisory committee was intended to address, the

extent to which the objectives have been achieved, and any activities of the agency in addition to those granted by statute and the authority for these activities;

(3) an assessment of less restrictive or other alternative methods of performing any regulation that the agency performs which could adequately protect the public;

(4) the extent to which the advisory committee is needed and is used;

(5) the extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies;

(6) whether the agency has recommended to the legislature statutory changes calculated to be of benefit to the public rather than to an occupation, business, or institution that the agency regulates;

(7) the promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency;

(8) the extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates, and the extent to which the public participation has resulted in rules compatible with the objectives of the agency;

(9) the extent to which the agency has complied with applicable requirements of an agency of the United States or of this state regarding equality of employment opportunity and the rights and privacy of individuals;

(10) the extent to which changes are necessary in the enabling statutes of the agency so that the agency can adequately comply with the criteria listed in this section;

(11) the extent to which the agency issues and enforces rules relating to potential conflict of interests of its employees;

(12) the extent to which the agency complies with the "Open Records Act," Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252—17a, Vernon's Texas Civil Statutes). and with the "Open Meetings Act," Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252—17, Vernon's Texas Civil Statutes); and

(13) the impact in terms of federal intervention or loss of federal funds if the agency is abolished.

RECOMMENDATIONS

Sec. 1.11. In its report on a state agency, the commission shall:

(1) make recommendations on the abolition, continuation, or reorganization of each affected state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees;

(2) recommend appropriation levels for each state agency and advisory committee for which abolition or reorganization is recommended under Subdivision (1) of this section; and

(3) include drafts of legislation necessary to carry out the commission's recommendations under Subdivision (1) of this section.

RULES

Sec. 1.12. The commission shall adopt rules necessary to carry out this Act.

ABOLITION OF ADVISORY COMMITTEES

Sec. 1.13. Except as otherwise expressly provided by law, every advisory committee whose primary function is to advise a particular state agency is abolished on the date set for abolition of the agency unless the advisory committee is expressly continued by law.

AGENCIES CREATED IN FUTURE

Sec. 1.14. Every state agency created by law enacted after January 1, 1977, is subject to this Act and to this section except as otherwise expressly provided by the law creating the agency. A state agency created by law enacted in a fiscal biennium is abolished at the end of the sixth succeeding fiscal biennium unless continued by law.

CONTINUATION BY LAW

Sec. 1.15. (a) During the regular session immediately preceding the abolition of a state agency or an advisory committee that is subject to this Act, the legislature by law may continue the agency or advisory committee for a period not to exceed 12 years.

(b) Nothing in this Act shall be construed to prohibit the legislature from terminating a state agency or advisory committee subject to this Act at a date earlier than that provided in this Act. Nothing in this Act shall be construed to prohibit the legislature from considering any other legislation relative to a state agency or advisory committee subject to this Act.

LEGISLATIVE CONSIDERATION

Sec. 1.16. (a) No more than one state agency and its functions and advisory committees may be considered for continuation, transfer, or modification in a bill, except that when consolidation of agencies or advisory committees or their functions is proposed, only the agencies or advisory committees involved in the consolidation may be considered in a legislative bill.

(b) In a bill to continue a state agency, to transfer its functions, or to consolidate it with another agency, the affected agency or agencies shall be mentioned in the title of the bill.

AFTER TERMINATION

Sec. 1.17. (a) On abolishment in the odd-numbered year, each state agency may continue in existence until September 1 of the next succeeding year for the purpose of concluding its business. Unless otherwise provided by law abolishment does not reduce or otherwise limit the powers or authority of each respective state agency during such concluding year. Upon the expiration of the one-year period after abolishment each respective state agency is terminated and shall cease all activities.

(b) Any unobligated and unexpended appropriations of a state agency or advisory committee lapse on September 1 of the even-numbered year after abolishment of the agency or advisory committee.

(c) All money in a dedicated fund of an abolished state agency or advisory committee on September 1 of the even-numbered year after abolishment of the agency or advisory committee is transferred to the General Revenue Fund, except as provided in Subsection (f) of this section and as otherwise provided by law. The part of the law dedicating the money to a specific fund of an abolished agency becomes void on September 1 of the even-numbered year after abolishment of the agency.

(d) if an abolished state agency or advisory committee is funded in the General Appropriations Act for both years of the biennium, the abolished agency or advisory committee may not spend or obligate any of the money appropriated to it for the second year of the biennium, unless otherwise provided by law or rider in the appropriations bill.

(e) Property and records in the custody of a state agency or advisory committee on September 1 of the even-numbered year after abolishment of the agency or advisory committee are transferred to the State Board of Control, except that where an appropriate state agency is designated by the governor pursuant to Subsection (f) of this section, the property and records are transferred to the state agency so designated.

(f) The legislature recognizes the state's continuing obligation to pay bonded indebtedness incurred by any agency abolished by the terms of this Act, and it is not the intention of this Act to impair or impede the payment of bonded indebtedness in accordance with its terms. If an abolished state agency has remaining outstanding bonded indebtedness, the bonds remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions of the laws and proceedings authorizing the bonds, not withstanding the abolishment of the agency that issued the bonds. The governor shall designate an appropriate state agency, which shall continue to carry out all covenants contained in the bonds and the proceedings authorizing them, including the issuance of bonds to complete the construction of projects, and shall provide payment from the sources of payment of the bonds in accordance with the terms of the bonds, whether from taxes, revenues, or otherwise, until the bonds and interest on the bonds are paid in full. All funds established by laws or proceedings authorizing the bonds shall remain with the State Treasury or previously designated trustees, if so provided in the proceedings; if not so provided, the funds shall be transferred to the designated state agency.

SUBPOENA POWER

Sec. 1.18. The commission may issue process to witnesses at any place in the state and compel their attendance and the production of books, records, papers, and other objects that may be necessary or proper for the purposes of the committee proceedings. The commission may issue attachments when necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by any peace officer in this state. The chairman of the commission shall issue, in the name of the commission, the subpoenas that a majority of the commission may direct. In the event the chairman is absent, the designee of the chairman is authorized to issue subpoenas or any other process in the same manner as the chairman. Witnesses attending proceedings of the commission under process are entitled to the same mileage and per diem as allowed witnesses before a grand jury in this state. The testimony taken under subpoena must be reduced to writing and must be given under oath subject to the penalties of perjury.

ASSISTANCE OF AND ACCESS TO STATE AGENCIES

Sec. 1.19. (a) The commission may request the assistance of state agencies and officers, and they shall assist the commission when requested to do so.

(b) In carrying out their functions under this Act, the commission or its designated staff member may inspect the records, documents, and files of any state agency.

RELOCATION OF EMPLOYEES

Sec. 1.20. When an employee is displaced because of the abolishment, reorganization, or continuation of a state agency or its advisory committees, the agency and the Texas Employment Commission shall make a reasonable effort to relocate the displaced employee.

SAVING CLAUSE

Sec. 1.21. Except as otherwise expressly provided, abolition of a state agency does not affect rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the effective date of the abolition.

Acts 1977, 65th Leg., p. 1826, ch. 735, art. 1, eff. Aug. 29, 1977. Sec. 1.17, subsecs. (c), (e) and (f) amended by Acts 1977, 65th Leg., 1st C.S., p. 56, ch. 3, § 1, eff. July 22, 1977.

Cross References

Legislative Budget Board, see art. 5429c.

Law Review Commentaries

Annual survey of Texas law: Administrative law. John L. Hill and David C. Kent, 34 Southwestern L.J. (Tex.) 471 (1980).

Sunset and State Bar. 41 Texas Bar J. 807 (1978).

Sunset legislation in the United States. Dan R. Price, 30 Baylor L.Rev. 401 (1978).

Sunset legislation in the United States. Dan R. Price (State Bar of Texas 1977).

Library References

States 🔑 44, 45.

C.J.S. States §§ 79, 80, 82, 136.

UTAH

SUNSET ACT

Utah Code Ann. § 63-55-1 et seq. (1978 Repl. volume and 1979 Pocket Supp.)

CHAPTER 55.—SUNSET ACT

Sec.
63-55-1. Short title.
63-55-2. Periodic termination of boards, divisions, offices, and agencies—Legislative review.
63-55-3. Guidelines for conduct of review.
63-55-4. Terminated authority—Winding up of affairs.
63-55-5. Reviewing committee—Report of recommendations.
63-55-6. Legislative reauthorization of necessary authority.
63-55-7. Special repeal of acts—Effective dates.

63-55-1. Short title.—This act shall be known and may be cited as the "Utah Sunset Act."

History: L. 1977, ch. 240, § 1.

Title of Act.

An act relating to state government; providing for the scheduled termination of legislatively created state regulatory and licensing boards, divisions, offices, and agencies every six years; providing for legislative review before scheduled termination; providing guidelines for the conduct of such review; and providing for legislative reauthorization of terminated state boards, divisions, offices and agencies.—Laws 1977, ch. 240.

Collateral References.

States 🔑 44.
81A C.J.S. States § 82.
63 Am. Jur. 2d 638, 645-649, Public Officers and Employees §§ 17, 30, 33-37.

63-55-2. Periodic termination of boards, divisions, offices, and agencies—Legislative review.—The legislature finds that no profession, occupation, or business should be subject to state regulation unless the exercise of such power is necessary to protect for health, safety, and welfare of its citizens.

In order to make state government more productive and responsive to the people, it is necessary to place all regulatory boards, divisions, offices, and agencies, set forth in section 63-55-7, on a six-year reauthorization schedule, Any state board, division, office or agency scheduled for termination under this act shall terminate unless the legislature through affirmative act reauthorizes its continued existence for another six years. In no event shall the continued existence of a board, division, office, or agency subject to this act be reauthorized for a period of more than six years.

History: L. 1977, ch. 240, § 2; 1979, ch. 226, § 1.

Compiler's Notes.

The 1979 amendment, in the second paragraph substituted "regulatory boards" for "legislatively created state boards"; inserted "set forth in section 63-55-7"; and made minor changes in punctuation.

63-55-3. Guidelines for conduct of review.—Legislative study committees or other committees assigned by the legislative management committee shall review each state board division, office, and agency scheduled for termination. Such review shall begin not later than one year before scheduled termination and end before January 1 of the year in which termination is scheduled. In determining whether to reauthorize the authority, the legislature shall consider the following:

(1) The extent to which the board, division, office or agency has operated in the public interest;

(2) The extent to which existing statutes [interfere] with or assist the legitimate functions of the agency, and any other circumstances including budgetary, resource, and personnel matters, that have a bearing on the capacity of the agency to serve the public interest;

(3) The extent to which the public has been encouraged to participate in the promulgation of its rules and regulations;

(4) The extent to which its programs and services are duplicative those offered by other state agencies;

(5) The extent to which the objectives of the authority have been accomplished and their public benefit;

(6) The adverse effect on the public, if any, of termination of the authority; and

(7) Any other matter deemed relevant.

History: L. 1977, ch. 240, § 3.

Compiler's Notes.

The word "interfere' in subd. (2) was bracketed by the compiler because it was spelled "interfer" in the act.)

63-55-4. Terminated authority—Winding up of affairs.—Any authority terminated under this act may continue in existence, if necessary to wind up its affairs, until July 1 of the year next succeeding the year of termination.

History: L. 1977, ch. 240, § 4.

63-55-5. Reviewing committee—Report of recommendations.—The reviewing committee shall submit a report of its recommendations including proposed legislation and recommendations concerning functions and programs for which the authority is responsible to the speaker of the house and the president of the senate for distribution to legislators before January 1 of the year in which a respective authority is scheduled for termination.

History: L. 1977, ch. 240, § 5.

63-55-6. Legislative reauthorization of necessary authority.—If the legislature determines that the public interest requires the continued existence of the authority, it shall enact appropriate legislation to reauthorize the authority.

History: L. 1977, ch. 240, § 6.

63-55-7. Specific repeal of acts—Effective dates.—The following titles, chapters, and sections are hereby repealed effective on the dates indicated in the subsections of this section and the state boards, divisions, offices, and agencies governed thereby are terminated as of that date pending reauthorization by the legislature.

(1) The following chapters of title 58, (Department of Registration and laws pertaining to regulated professions, trades and occupations), are repealed effective on the dates set forth below:

Chapter number:	*Date*
1 — General provisions (department of registration)	July 1, 1981.
3 — Architects	Do.
4 — Barbers	Do.
5 — Podiatrists	July 1, 1985

Chapter number:	Date
7 — Dentists	Do.
8 — Dental Hygienists' Act	Do.
9 — Embalmers and funeral directors	July 1, 1981
11 — Cosmetologists, manicurists and electrologists	Do.
12 — Practice of medicine and surgery and the treatment of human ailments	Do.
12b — Board of pharmacy	Do.
15 — Nursing and maternity homes and refuges	July 1, 1985
16 — Optometrists	July 1, 1981
17 — Phamacists	Do.
18 — Plumbers	Do.
19 — Prophylactics	July 1, 1979
20 — Sanitarians	July 1, 1981
22 — Engineers and land surveyors	Do.
23 — Contractors	Do.
24 — Physical Therapy Practice Act	July 1, 1985
25 — Psychologists	July 1, 1981
26 — Public accountants	Do.
27 — Basic science law	July 1, 1979
28 — Veterinarians	July 1, 1985
29 — Money order vendors	July 1, 1981
30 — Debt management business	Do.
31 — Nurse Practice Act	July 1, 1985
32 — Sprinkler and irrigation fitters	July 1, 1981
34 — Landscape architects	Do.
35 — Social work	Do.
36 — Electricians	Do.
37 — Controlled substances	Do.
38 — Electrical repair dealers	Do.
39 — Marriage and family counselors	Do.
40 — Recreation Therapy Practice Act	July 1, 1985
41 — Speech Pathology and Audiology Licensing Act	July 1, 1981
42 — Occupational Therapy Practice Act	July 1, 1985
43 — Water conditioner installers	July 1, 1981

(2) Chapter 56 of title 78 (court reporters and stenographers and related laws) is repealed effective July 1, 1981.

(3) The following chapters of title 61, (Utah Uniform Securities Act, State Securities Commission, Board of Real Estate Examiners and laws pertaining to real estate brokers), are repealed on the dates set forth below:

Chapter number:	Date
1—Utah Uniform Securities Act	July 1, 1983.
2—Real estate brokers	Do.
2a—Real estate recovery fund	Do.
3—Securities and transfer agents	Do.
4—Take-over offers for equity securities	Do.

(4) Chapter 4 of title 8, (Cemetery Board within the Department of Business Regulation, its duties and reponsibilities) is repealed effective July 1, 1983.

(5) The following chapters of title 13, (Department of Business Regulation and Trade Commission of Utah, its duties and responsibilities) are repealed on the dates set forth below:

Chapter number:	Date
1—Department of business regulation	July 1, 1983.
2—Trade commission	Do.

History: L. 1977, ch. 240, § 7; 1979, ch. 226, § 2.

Compiler's Notes.

The 1979 amendment rewrote this section. For prior version, see parent volume.

VERMONT

REVIEW OF LICENSING STATUTES, BOARDS AND COMMISSIONS

Vt. Stat. Ann. tit. 26, § 3101 et seq. (1979 Cum. Pocket Supp.)

CHAPTER 57.—REVIEW OF LICENSING STATUTES, BOARDS AND COMMISSIONS

Sec.
3101. Policy and purpose.
3102. Requirement for review; automatic repeal, and new law, if any.
3103. Comprehensive plan.
3104. Process for review.
3105. Criteria and standards for review.

§ 3101. Policy and purpose

The general assembly finds that:

(1) The reason for regulating professions and occupations is to protect the public health, safety and welfare;

(2) The state regulates professions and occupations through boards (which in this chapter include commissions) which issue licenses, certificates or permits, set standards of practice and enforce those standards;

(3) Regulations has a significant impact on nearly every citizen because it affects the quality, cost and availability of important services;

(4) Problems which require regulation by boards change over time;

(5) The legislature needs to know what the boards are doing, ensure their accountability and determine whether they have adequate resources and authority to carry out the intent of the legislature;

(6) Therefore the legislature has a need periodically to review, evaluate and make a decision based on current facts whether and how to regulate a particular profession or occupation;

(7) To do this, the legislature needs to examine both the licensing laws and the activities of the boards;

(8) The legislature needs to have an orderly procedure to make sure that the review is thorough, the evaluation fair and the decision timely;

(9) These results will be properly achieved by a procedure which provides:

(A) for review and evaluation;

(B) for automatic repeal of the existing licensing law; and;

(C) for enactment if voted by the legislature of new law or the reenactment of the law with or without amendment.—Added 1977, No. 183 (Adj. Sess.), § 1, eff. date, see note set out below.

Effective date; termination of chapter. 1977, No. 183 (Adj. Sess.), § 3, provided: "This act [which added this chapter] shall take effect July 1, 1978, and shall terminate July 1, 1985, unless previously reenacted with or without amendment. However, section 2 shall take effect from passage."

§ 3102. Requirement for review; automatic repeal, and new law, if any

(a) Each licensing law enumerated below in subsection (b) of this section, each board related thereto, and the activities resulting shall be subject to periodic review in the manner provided in section 3104 of this title and on the basis of the criteria established in section 3105 of this title.

(b) The following laws are repealed automatically by operation of this section on the dates listed. In order for regulation of the occupation or profession to continue, there must be a positive decision by the legislature through the enactment of a new law or the reenactment of the law with or without amendment.

(1) July 1, 1981:
  (A) Chapter 23 of Title 4 on attorneys;
  (B) Chapter 43 of Title 26 on veterinary science;
  (C) Chapter 49 of Title 26 on radio and television technicians;
  (D) Chapter 1 of Title 26 on accountants;
  (E) Chapter 229 of Title 32 on private detectives;
(2) July 1, 1982:
  (A) Chapter 29 of Title 26 on optometry;
  (B) Chapter 35 of Title 26 on pharmacy;
  (C) Chapter 37 of Title 26 on physical therapists;
  (D) Chapter 51 of Title 26 on radiological technologists;
  (E) Chapter 55 of Title 26 on psychologists;
  (F) Chapter 47 of Title 26 on opticians;
(3) July 1, 1983:
  (A) Chapter 3 of Title 26 on architects;
  (B) Chapter 15 of Title 26 on electricians;
  (C) Chapter 19 of Title 26 on engineering;
  (D) Chapter 39 of Title 26 on plumbers and plumbing;
  (E) Chapter 41 of Title 26 on real estate brokers and salesmen;
  (F) Chapter 45 of Title 26 on land surveyors;
(4) July 1, 1984:
  (A) Chapter 7 of Title 26 on podiatry;
  (B) Chapter 13 of Title 26 on dentists and dental hygienists;
  (C) Chapter 23 of Title 26 on medicine and surgery;
  (D) Chapter 27 of Title 26 on nursing;
  (E) Chapter 31 of Title 26 on physicians' assistants;
  (F) Chapter 33 of Title 26 on osteopathy;
  (G) Chapter 9 of Title 26 on chiropractic;
(5) July 1, 1985:
  (A) Chapter 46 of Title 18 on nursing home administrators;
  (B) Chapter 5 of Title 26 on barbers;
  (C) Chapter 11 of Title 26 on cosmeticians and hairdressers;
  (D) Chapter 17 of Title 26 on embalmers;
  (E) Chapter 21 of Title 26 on funeral directors.

(c) Any new law to regulate another profession or occupation shall be based on the relevant criteria and standards in section 3105 of this title.

(d) A law to regulate a profession or occupation, enacted at any time, remains in effect for six years from July 1 of the year in which it is passed unless otherwise specifically provided. At the end of six years, the law is repealed automatically by operation of this section. Before the end of the fifth year, the entire procedure in section 3104 of this title shall be repeated. In order for regulation of the occupation or profession to continue for a further six years, a new law must be enacted or the reenactment of the law with or without amendment must take place.

(e) This section shall not cause the dismissal of any claim or right of a citizen against any board listed above in subsection (b) or any claim or right of a board terminated pursuant to this section which is subject to litigation. Any claim of right of or against a board terminated pursuant to this section shall be assumed by the secretary of state.—Added 1977, No. 183 (Adj. Sess.), § 1, eff. date, see note set out below.

Effective date; termination of chapter. For effective date and termination of chapter, see note set out under § 3101 of this title.

§ 3103. Comprehensive plan

(a) The legislative council staff shall prepare a comprehensive plan for doing the reviews. By January 15, 1979 the chief legislative draftsman shall send the proposed plan to the speaker of the house and to the president of the senate for referral to the government operations committees for approval or amendment within 30 days.

(b) The plan shall at least:

(1) describe in detail how the reviews will be done,

(2) propose a schedule for doing the reviews,

(3) describe the form and content of the reports,

(4) indicate the proposed use of staff within the legislative council and resources within state government, and

(5) recommend a uniform format in which each licensing law should be written.—Added 1977, No. 183 (Adj. Sess.), § 1, eff. date, see note set out below.

Effective date; termination of chapter. For effective date and termination of chapter, see note set out under § 3101 of this title.

§ 3104. Process for review

(a) It is the intention of the legislature that legislative action resulting from the review of licensing laws and of boards under this chapter should be taken at least one year before a licensing law is scheduled for automatic repeal.

(b) At least twenty-one months before a law is scheduled for repeal under section 3102 of this title, the legislative council staff shall complete a preliminary review of the law and the board created by the law. The staff shall base its review on the criteria and standards in section 3105 of this title.

(c) In each case, the legislative council staff shall give adequate notice to the public that it is reviewing a particular law and board. All information and data reasonably requested for purposes of the review shall be provided by the boards. The staff shall seek comments and information from the public and from members of the profession or occupation. It also shall give the board a chance to present its position and to respond to any matters raised in the review. The staff, upon its request, shall have assistance from the department of budget and management, the auditor of accounts, the attorney general, the secretary of state, the joint fiscal committee or any other state agency.

(d) The legislative council staff shall file a separate written report for each profession and occupation with the speaker of the house and president of the senate. It shall file the reports at least two months before the first day of the next regular or adjourned legislative session. The reports shall contain.

(1) findings, alternative courses of action, and recommendations,

(2) a copy of the board's administrative rules, and

(3) appropriate legislative proposals.

(e) The speaker of the house and the president of the senate each shall send each report to a standing committee which has jurisdiction over the subject matter. The legislative council staff shall send a copy of the report to the board affected, and shall make copies available for public inspection.

(f) After considering a report each standing committee shall send its findings and recommendations to the house or the senate. Where standing committees in each house recommend enactment of a new licensing law, they shall agree in which chamber to initiate a bill. If they cannot agree, each standing committee shall initiate a bill. The proposed licensing law shall be drafted according to a uniform format recommended in the comprehensive plan.—Added 1977, No. 183 (Adj. Sess.), § 1, eff. date, see note set out below.

Effective date; termination of chapter. For effective date and termination of chapter, see note set out under § 3101 of this title.

§ 3105. Criteria and standards for review

(a) When reviewing and evaluating a licensing law, consideration shall be given at least to the following questions:

(1) What effect does regulation have on the quality, cost and availability of services?

(2) Do the problems which led the legislature to pass laws regulating the profession or occupation still exist?

(3) If there are still problems, or if new ones have occurred, are they serious enough so that regulation in some form is needed to solve them?

(4) If regulation is needed, is the present type and extent of regulation the most fair, effective and appropriate?

(5) If not, what are the alternatives?

(6) Does the licensing process effectively distinguish between those who will give good service and those who will not?

(7) Would it be better for the public health, safety and welfare to combine two or more boards?

(b) When reviewing the operation and performance of a board, consideration shall be given at least to the following questions:

(1) Have board actions been in the public interest and consistent with legislative intent?

(2) Are the board's rules complete, concise and easy to understand?

(3) Does the board use licensing standards and procedures which are fair and reasonable and which accurately measure an applicant's qualifications? Are qualified persons denied the chance to practice their profession or occupation?

(4) Does the board insure that license holders continue to meet proper standards?

(5) Does the board have a fair and efficient way to receive, investigate and resolve complaints from the public?

(6) Has the board sought ideas from the public and from those it regulates on reasonable ways to improve the service of the board and the profession or occupation regulated?

(7) Does the board give adequate public notice of its hearings and meetings and encourage public participation?

(8) Did the board make efficient and effective use of its funds, and meet its responsibilities?—Added 1977, No. 183 (Adj. Sess.), § 1, eff. date, see note set out below.

Effective date; termination of chapter. For effective date and termination of chapter, see note set out under § 3101 of this title.

VIRGINIA

LEGISLATIVE PROGRAM REVIEW AND EVALUATION ACT

Va. Code §30-64 et seq. (1979 Repl. Vol.)

CHAPTER 8.—LEGISLATIVE PROGRAM REVIEW AND EVALUATION ACT

Sec.
30-64. [Reserved.]
30-65. Definitions.
30-66. Functional areas; scheduling of study areas.
30-67. Discretionary selection procedure; coordination with standing committees; expenses.
30-68. Evaluation criteria; self-studies.
30-69. Access to information.
30-70. Reporting; hearings.
30-71. Hearing criteria.
30-72. Operation and construction of chapter; subcommittees.
30-73. Termination of chapter.

§ 30-64. [Reserved.]

§ 30-65. Definitions.—As used in this chapter, the terms below shall be interpreted as follows:

1. The term "*agency*" means any agency, authority, board, department, division, commission, institution, bureau, or like governmental entity of the Commonwealth and includes any entity, public or private, with which any of the foregoing has entered into a contractual relationship to accomplish an agency program.

2. The term "*functional area*" means that grouping of State governmental activities, programs, and agencies which constitute a single budget function as identified and classified in the Virginia State Government Program Structure.

3. The term "*discretionary selection*" refers to the procedure set forth in § 30-67 whereby programs and agencies, contained wholly or in part within functional areas, are selected for legislative review and evaluation under the provisions of this chapter. (1978, c. 388.)

§ 30-66. Functional areas; scheduling of study areas.—A. The functional areas of State government shall be scheduled for legislative review and evaluation by the Joint Legislative Audit and Review Commission as specified in paragraph B, on a seven-year cycle, and beginning in the 1979-80 fiscal year.

B. Beginning with the 1979 legislative session, and from time to time as may be required, the Senate and House of Delegates shall by joint resolution establish a schedule for the review of the functional areas of State government. In the absence of a resolution, the Joint Legislative Audit and Review Commission shall select a functional area for review on an annual basis. (1978, c. 388.)

§ 30-67. Discretionary selection procedure; coordination with standing committees; expenses.—A. Except for the pilot review provided for in this chapter, and prior to the year in which a functional area of government is designated to be scheduled for review, the Joint Legislative Audit and Review Commission shall cause to be introduced a joint resolution which shall identify to the extent feasible the agencies, programs or activities selected for review and evaluation from the functional area.

B. To ensure coordination of the review and evaluation activity with appropriate committees, the resolution specified in paragraph A shall identify each House and Senate standing committee to be invited to participate with the Commission in designing such studies as will be carried out from the scheduled functional areas.

C. The compensation and expenses of the members of cooperating committees or subcommittees necessary to accomplish the functions specified in paragraph B shall be paid from funds appropriated to the Commission. (1978, c. 388.)

Code Commission note.—Acts 1978, c. 388, cls. 2 through 4 provide: "2. That a pilot review and evaluation shall be carried out pursuant to this act selected from the functional area of 'Individual and Family Services.' The programs and agencies included in this review shall be those generally involved in the delivery of health care services. The pilot review shall consider and encompass to the extent practicable the ongoing studies of the Joint Legislative Audit and Review Commission concerning medical assistance programs and shall address, but not be limited to, medical service delivery programs concerned with long term care, outpatient care, hospital care, and the certificate of public need requirement.

"The Commission shall coordinate its pilot review effort with the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health.

"3. That an analysis of the pilot review effort, in the functional area 'Individual and Family Services,' shall be made by the Commission during 1980 with a committee to be empaneled prior to July one, nineteen hundred seventy-nine. The committee shall consist of: (i) the chairman of the House Committee on Health, Welfare and Institutions, or his designee; (ii) the chairman of the Senate Committee on Education and Health, or his designee; (iii) the Commissioner of the Department of Health; (iv) the Secretary of Human Resources; (v) the Secretary of Administration and Finance; (vi) four members appointed by the Speaker of the House of Delegates; (vii) three members appointed by the Senate Committee on Privileges and Elections; and (viii) the members of the Joint Legislative Audit and Review Commission. Vacancies on the committee shall be filled in the same manner as original appointments were made.

"The committee shall review the procedures and accomplishments of the pilot program and make any suggestions as may be deemed appropriate to improve operational procedures or potential accomplishments. The report of the committee shall be made in such form and at such time as the Commission shall determine.

"The responsibility of the aforementioned committee shall terminate upon completion of its report but no later than January thirty-one, nineteen hundred eighty-one.

"4. That in 1985 a conference on legislative oversight will be held by the Joint Legislative Audit and Review Commission to assess and evaluate the accomplishments of this act. The conference membership shall consist of the members of the Commission, the chairman of each House and Senate standing committee, and such other members of the General Assembly as may be appointed by the Speaker of the House of Delegates or by the Senate Committee on Privileges and Elections. Compensation and expenses shall be paid to the conference membership from funds appropriated to the Commission. The conference shall be open to all members of the General Assembly. Proceedings of the conference shall be prepared and made available to each member of the General Assembly and to the public."

§ 30-68. Evaluation criteria; self-studies.—A. Each study carried out pursuant to this chapter shall consider, as required: that there is a valid public need for the program or agency; that legislative intent is being carried out; that program and agency performance has been in the public interest; that program objectives have been defined; that intended program outcomes are measurable and have been accomplished; that program and agency operations are managed efficiently, economically, and effectively; or such other specific criteria as the Commission or standing comittees deem necessary and desirable.

B. Agency self-studies may be required in such form and manner as may be directed under the resolution provided for in § 30-67. (1978, c. 388.)

§ 30-69. Access to information.—For the purpose of carrying out its duties under this chapter and notwithstanding any contrary provision of law, the Joint Legislative Audit and Review Commission shall have access to the records and facilities of every agency whose operations are financed in whole or in part by State funds to the extent that such records and facilities are related to the expenditure of such funds. All such agencies shall cooperate with the Commission and, when requested, shall provide specific information in the form requested. (1978, c. 388.)

§ 30-70. Reporting; hearings.—A. The Joint Legislative Audit and Review Commission shall publish and submit its reports with appropriate findings and recommendations to the Governor and members of the General Assembly, and shall transmit them to the House and Senate standing committees identified by resolution in § 30-67.

B. The standing committees shall hold a public hearing on reports prepared pursuant to this chapter within one hundred twenty days after the date of transmittal. Hearings may be held jointly or singly by the committees.

C. The standing committees shall hear testimony from the Commission, agency and program representatives, the public in general, and such others as may be deemed appropriate. (1978, c. 388.)

§ 30-71. Hearing criteria.—At each hearing required by § 30-70, the standing committee conducting such hearing and the agencies testifying shall respond to, but not be limited to consideration of, the following questions:

1. What are the problems, needs, or missions that the program is intended to address and what has been accomplished?
2. What is the effect of the program on the economy including but not limited to: competition, unemployment, economic stability, attraction of new business, productivity, and price inflation to consumers?
3. Would the absence of any regulatory activity significantly harm or endanger the public health, safety, or welfare?
4. Has the program or agency carried out its mission in an efficient, economic, and effective manner?
5. What services could be provided and what level of performance could be achieved if the program were funded at a level less than the existing level?
6. What other State programs have similar, duplicate, or conflicting objectives?
7. What federal activities have similar, duplicate, or conflicting objectives?
8. How does the agency ensure that it responds promptly and effectively to complaints concerning persons affected by the agency?
9. To what extent have the agency's operations been impeded by existing statutes, procedures, or practices of the Commonwealth of Virginia, or of other State agencies?
10. What action plans have been or are being proposed to improve agency operations where the need for improvements has

been identified in previous executive or legislative oversight studies and reports? (1978, c. 388.)

§ 30-72. Operation and construction of chapter; subcommittees.—A. The operation of this chapter shall not restrict the power of the General Assembly to study or act on any matter at any time.

B. The operation of this chapter shall not imply or require the termination of any State agency or program.

C. Nothing in this chapter shall be construed to restrict the Joint Legislative Audit and Review Commission or the standing committees from holding hearings on any subject as may be required nor shall operation of this chapter limit the Commission or committees from such other activities as may be authorized by law or custom.

D. The standing committees may carry out the functions assigned by this chapter through subcommittees. (1978, c. 388.)

§ 30-73. Termination of chapter.—This chapter shall terminate on July one, nineteen hundred eighty-seven, unless reestablished by prior act of the General Assembly. (1978, c. 388.)

CHAPTER 9.—LEGISLATIVE HEARINGS ON REGULATORY ACTIVITY

Sec.
30-74. Hearings by joint general laws subcommittees.
30-75. Joint general laws subcommittees.
30-76. Recommendations.
30-77. Performance reviews.

§ 30-74. Hearings by joint general laws subcommittees.—A. Joint general laws subcommittees shall schedule and hold hearings on the call of the chairmen when complaints are received about rules and regulations established by the board, for the purpose of receiving public testimony on rules and regulations of each of the following:

1. The Board of Examiners for Audiology and Speech Pathology created by § 54-83.1:8.
2. The Board of Dentistry created by § 54-153.
3. The Board of Medicine created by § 54-282.
4. The Board of Nursing created by § 54-367.3.
5. The Board of Examiners in Optometry created by § 54-370.
6. The Board of Opticians created by § 54-398.4.
7. The Board of Pharmacy created by § 54-524.5.
8. The Board of Hearing Aid Dealers and Fitters created by § 54-524.113.
9. The Board of Veterinary Examiners created by § 54-776.
10. The Board of Examiners for Nursing Home Administrators created by § 54-903.
11. The Athletic Commission created by § 9-16.
12. The Board of Barber Examiners created by § 54-83.22.
13. The Board of Examiners of Professional Hairdressers created by § 54-112.4:2.
14. The Board for Commercial Driver Training Schools created by § 54-145.12.
15. The Board of Funeral Directors and Embalmers created by § 54-260.64.
16. The Board of Commissioners to Examine Pilots created by § 54-527.

17. The Board for Certification of Water and Wastewater Works created by § 54-573.3.

18. The Board of Sanitarian Examiners created by § 54-859.2.

19. The Board of Examiners in the Division of Mines created by § 45.1-7.

20. The Board of Architects, Professional Engineers and Land Surveyors created by § 54-18.

21. The Board of Accountancy created by § 54-84.

22. The Registration Board for Contractors created by § 54-114.

23. The Board for Certification of Librarians created by § 54-261.

24. The Collection Agency Board created by § 54-729.4.

25. The Real Estate Commission created by § 54-737.

26. The Board of Behavioral Science created by § 54-925.

27. The regulation of employment agencies pursuant to §§ 40.1-12 through 40.1-21.

28. The regulation of polygraph examiners pursuant to §§ 54-916 through 54-922.

29. The regulation of private security services businesses pursuant to §§ 54-729.27 through 54-729.34. (1978, c. 511.)

The numbers of §§ 30-74 to 30-77 were assigned by the Virginia Code Commission, the numbers in the 1978 act having been 30-64 to 30-67.

Code Commission note.—Section 54-398.4, referred to in this section, was repealed by Acts 1978, c. 534. For present provision covering the subject matter of the repealed section, see § 54-398.4:1. Sections 40.1-12 through 40.1-21 were repealed by Acts 1978, c. 840. For present provisions as to employment agencies, see § 54-872.16 et seq.

§ 30-75. Joint general laws subcommittees.—The chairmen of the General Laws Committees of the Senate and the House of Delegates shall appoint subcommittees which shall hold hearings pursuant to § 30-74. (1978, c. 511.)

§ 30-76. Recommendations.—Following any such hearings conducted pursuant to § 30-74, the joint general laws subcommittees may make such recommendations as they deem appropriate to any State regulatory body or agency, or to the General Assembly for legislative action. (1978, c. 511.)

§ 30-77. Performance reviews.—From time to time, the regulatory agencies specified in § 30-74 shall be the subject of a performance review by the Joint Legislative Audit and Review Commission in accordance with the provisions of the Legislative Program Review and Evaluation Act. (1978, c. 511.)

WASHINGTON

WASHINGTON SUNSET ACT OF 1977

Wash. Rev. Code Ann. Chap. 43.131 (1981 Cum. Ann. Pocket Part)

CHAPTER 43.131.—WASHINGTON SUNSET ACT OF 1977

43.131.010 Short title.
43.131.020 Legislative declaration.
43.131.030 Definitions.
43.131.040 Reestablishment of state agency scheduled for termination—Review.
43.131.050 Legislative budget committee and office of financial management—Duties—Reports required.
43.131.060 Legislative budget committee review of regulatory entity—Factors for consideration.
43.131.070 Legislative budget committee review of a state agency other than a regulatory entity—Factors for consideration.
43.131.080 Committees of reference—Powers and duties.
43.131.090 Termination of state agency—Procedures—Employee transfers—Property disposition—Funds and moneys—Rules—Contracts.
43.131.100 Termination of state agency—Pending business—Savings.
43.131.110 Committees—Reference to include successor.
43.131.120 Select joint committee—Appointment—Duties.
43.131.130 Legislature—Powers unaffected by enactment of chapter.
43.131.140 Termination of certain programs.
43.131.240 Washington State Public Broadcasting Commission—Termination—Limitation.
43.131.900 Expiration of 1977 ex.s. c 289—Exception.

43.131.010 Short title

This chapter may be known and cited as the Washington Sunset Act of 1977. [Enacted Laws 1st Ex Sess 1977 ch 289 § 1, effective June 17, 1977.]

Severability—1977 1st ex.s. c [illegible]: "If any provision of this 1977 amendatory act or the application thereof to any persons or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the 1977 amendatory act which can be given effect without the invalid provision or application, and to this end the provisions of this 1977 amendatory act are declared severable." [1977 1st ex.s. c 289 § 18.] This annotation applies to chapter 43.131 RCW and the 1977 amendment to RCW 43.06.010.

CJS States §§ 79, 80, 82, 136.

Key Number Digests: States ⇨ 45.

43.131.020 Legislative declaration

The state legislature finds that state agencies may fail to deliver services as effectively and efficiently as is expected by the general public and as originally contemplated by the legislature. It further finds that state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations, and that the entire process has evolved without sufficient legislative and executive oversight, regulatory accountability, or a system of checks and balances. The Legislature further finds that by establishing a system for the termination, continuation, or modification of state agencies, coupled with a system of scheduled review of such agencies, it will be in a better position to evaluate the need for the continued existence of existing and future state agencies. The legislature recognizes that the executive branch shares in this duty and responsibility to assure that state government operates in an efficient, orderly, and responsive manner. [Enacted Laws 1st Ex Sess 1977 ch 289 §2, effective June 17, 1977.]

CJS States §§79, 80, 82, 136.
Key Number Digests: States ⊂⊃ 45.

43.131.030 Definitions

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise.

(1) "Committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider termination, modification, or reestablishment of state agencies pursuant to this chapter.

(2) "Person" includes every natural person, firm, partnership, corporation, association, or organization.

(3) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which licenses or regulates one or more professions, occupations, industries, businesses, or other endeavors in the state of Washington.

(4) "State agency" includes every state office, department, board, commission, regulatory entity and agency of the state, and where provided by law, programs and activities involving less than the full responsibility of a state agency. [Enacted Laws 1st Ex Sess 1977 ch 289 §3, effective June 17, 1977.]

CJS States §§79, 80, 82, 136.
Key Number Digests: States ⊂⊃ 45.

43.131.040 Reestablishment of state agency scheduled for termination—Review

Any state agency scheduled for termination by the processes provided in this chapter may be reestablished by the legislature for a period of time specified by law, but not to exceed six years. At the end of such period of time the legislature shall again review such state agency in a manner consistent with the provisions of this chapter and RCW 43.06.010 and reestablish, modify, or consolidate such state agency or allow it to be terminated. [Enacted Laws 1st Ex Sess 1977 ch 289 §4, effective June 17, 1977.]

CJS States §§79, 80, 82, 136.
Key Number Digests: States ⊂⊃ 45.

43.131.050 Legislative budget committee and office of financial management—Duties—Reports required

The legislative budget committee shall cause to be conducted a program and fiscal review of each state agency scheduled for termination by the processes provided in this chapter. Such program and fiscal review shall be completed and a report prepared on or before June 30th of the year prior to the date established for termination. Upon completion of its report, the legislative budget committee shall transmit copies of the report to the office of financial management. The office of financial management may then conduct its own program and fiscal review of the agency scheduled for termination and shall prepare a report on or before September 30th of the year prior to the date established for termination. Upon completion of its report the office of financial management shall transmit copies of its report to the legislative budget committee. The legislative budget committee shall prepare a final report that includes the reports of both the office of financial management and the legislative budget committee. The legislative budget committee and the office of financial management shall, upon request, make available to each other all working papers, studies, and other documents which relate to reports required under this section. The legislative budget committee shall transmit the final report to all members of the legislature, to the state agency concerned, to the governor, and to the state library.

[Enacted Laws 1st Ex Sess 1977 ch 289 § 5, effective June 17, 1977; Amended by Laws 1979 ch 22 § 1, effective June 7, 1979.]

CJS States §§ 79, 80, 82, 136.
Key Number Digests. States ⇐ 45.

43.131.060 Legislative budget committee review of regulatory entity—Factors for consideration

In conducting the review of a regulatory entity, the legislative budget committee shall consider, but not be limited to, the following factors where applicable:

(1) The extent to which the regulatory entity has permitted qualified applicants to serve the public;

(2) The extent to which the regulatory entity restricts or inhibits competition or otherwise adversely affects the state's economic climate;

(3) The extent to which the system of regulation has contributed directly or indirectly to increasing or decreasing the costs of any goods or services involved;

(4) The duties of the regulatory entity and the costs incurred in carrying out such duties;

(5) Whether the regulatory entity has operated in the public interest, including the extent to which the regulatory entity has:

(a) Sought and achieved public participation in making its rules and decisions including consideration of recommending appointment of one or more "public" members to the entity;

(b) Processed to completion in a timely and equitable manner the formal complaints filed with it;

(c) Implemented an effective system of evaluating the impact on the public of its rules and decisions regarding economy, availability, and improvement of the services rendered to the persons it regulates;

(d) Initiated administrative procedures or recommended statutory changes to the legislature that would benefit the public as opposed to the persons it regulates; and

(e) Identified the needs and problems of the recipients of goods and services provided by those regulated;

(6) The extent to which persons regulated by the regulatory entity have been encouraged to participate in assessing problems in their profession, occupation, or industry which affect the public;

(7) The impact and effectiveness of the regulatory entity with respect to the problems or needs the entity was intended to address;

(8) The consequences of eliminating or modifying the program of the regulatory entity;

(9) The extent to which the regulatory entity duplicates the activities of other regulatory entities or of the private sector, where appropriate; and

(10) The extent to which the absence or modification of regulation would adversely affect the public health, safety, or welfare. [Enacted Laws 1st Ex Sess 1977 ch 289 § 6, effective June 17, 1977.]

CJS States §§ 79, 80, 82, 136.
Key Number Digests: States ⇐ 45.

43.131.070 Legislative budget committee review of a state agency other than a regulatory entity—Factors for considerations

In conducting the review of a state agency other than a regulatory entity, the legislative budget committee shall consider, but not be limited to, the following factors where applicable:

(1) The extent to which the state agency has complied with legislative intent;

(2) The extent to which the state agency is operating in an efficient and economical manner which results in optimum performance;

(3) The extent to which the state agency is operating in the public interest by effectively providing a needed service that should be continued rather than modified, consolidated, or eliminated;

(4) The extent to which the state agency duplicates the activities of other state agencies or of the private sector, where appropriate; and

(5) The extent to which the termination or modification of the state agency would adversely affect the public health, safety, or welfare. [Enacted Laws 1st Ex Sess 1977 ch 289 § 7, effective June 17, 1977.]

CJS States §§ 79, 80, 82, 136.
Key Number Digests: States ⇐ 45.

43.131.080 Committees of reference—Powers and duties

(1) Following receipt of the final report from the legislative budget committee, the appropriate committees of reference in the senate and the house of representatives shall jointly hold a public hearing to consider the final report and any related data. The committees shall also receive testimony from representatives of the state agency involved, which shall have the burden of demonstrating a public need for its continued existence; and from the governor or the governor's designee, and other interested parties, including the general public.

(2) When requested jointly by the presiding members of the appropriate senate and house committees of reference, a regulatory entity under review shall mail an announcement of the joint hearing to the persons it regulates who have requested notice of agency rule-making proceedings as provided in RCW 34.04.025(1)(a), as now

existing or hereafter amended, or who have requested notice of hearings held pursuant to the provisions of this section. On request of either presiding member, such mailing shall include an explanatory statement not exceeding one page in length prepared and supplied by the member's committee.

(3) The presiding members of the senate committee on ways and means and the house committee on appropriations may designate one or more liaison members to each committee of reference in their respective chambers for purposes of participating in the joint hearing and in subsequent committee of reference discussions and to seek a coordinated approach between the committee of reference and the committee they represent in a liaison capacity.

(4) Following the joint hearing by the committees of reference, such committees may separately hold additional meetings or hearings to come to a final determination as to whether a state agency has demonstrated a public need for its continued existence or whether modifications in existing procedures are needed. In the event that a committee of reference concludes that a state agency shall be reestablished or modified or its functions transferred elsewhere, it shall make such determination as a bill. No more than one state agency shall be reestablished or modified in any one bill. [Enacted Laws 1st Ex Sess 1977 ch 289 § 8, effective June 17, 1977.]

CJS States §§ 79, 80, 82, 136.
Key Number Digests: States ⇐ 45.

43.131.090 Termination of state agency—Procedures—Employee transfers—Property disposition—Funds and moneys—Rules—Contracts

If terminated, a state agency shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: *Provided*, That the powers and authority of the state agency shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated state agencies classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the personnel board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated state agency shall be delivered to the custody of the agency assuming the responsibilities of the terminated agency or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated state agency shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.04.940, all rules made by a terminated state agency shall be repealed, without further action by the state agency, at the end of the period provided in this section, unless assumed and reaffirmed by the agency assuming the related legal responsibilities of the terminated state agency;

(5) All contractual rights and duties of a state agency shall be assigned or delegated to the agency assuming the responsibilities of the terminated state agency, or if there is none to such agency as the governor shall direct. [Enacted Laws 1st Ex Sess 1977 ch 289, § 9, effective June 17, 1977.]

CJS States §§ 79, 80, 82, 136.
Key Number Digests: States 🔑 45.

43.131.100 Termination of state agency—Pending business—Savings

This chapter shall not affect the right to institute or prosecute any cause of action by or against a state agency terminated pursuant to this chapter if the cause of action arose prior to the end of the period provided in RCW 43.131.090. Such causes of action may be instituted, prosecuted, or defended in the name of the state of Washington by the office of the attorney general. Any hearing or other proceeding pending before a state agency to be terminated and not completed before the end of the period provided in RCW 43.13.090, may be completed by the agency assuming the responsibilities of the terminated state agency. [Enacted Laws 1st Ex Sess 1977 ch 289 § 10, effective June 17, 1977.]

CJS States §§ 79, 80, 82, 136.
Key Number Digests: States 🔑 45.

43.131.110 Committees—Reference to include successor

Any reference in this chapter to a committee of the legislature including the legislative budget committee shall also refer to the successor of that committee. [Enacted Laws 1st Ex Sess 1977 ch 289 § 11, effective June 17, 1977.]

CJS States §§ 79, 80, 82, 136.
Key Number Digests: States 🔑 45.

43.131.120 Select joint committee—Appointment—Duties

(1) The speaker of the house of representatives and the president of the senate shall appoint a select joint committee consisting of ten members of the legislature within thirty days of June 17, 1977. The speaker shall appoint three members of the majority party and two members of the minority party. The president shall appoint three members of the majority party and two members of the minority party. The committee shall be responsible for the development of legislation which provides a schedule for the termination of state agencies in a manner consistent with the terms of this chapter and of RCW 43.06.010 as now or hereafter amended. The termination of such state agencies shall occur over a period of four years, beginning on June 30, 1981. In the development of such legislation, the select joint committee shall:

(a) Identify state agencies which might appropriately be scheduled for termination and arrange for automatic termination of state agencies, with a reasonable number of state agencies to be terminated on June 30, 1981, and a reasonable number of state agencies to be terminated on June 30, 1983: no more than one state agency shall be so identified or scheduled for automatic termination in any one section of such legislation;

(b) Seek to schedule state agencies with like goals, objectives, or functions for termination on the same date so as to better assure identification of duplicative activities and provide for appropriate modification of consolidation of state agencies to avoid future duplication; and

(c) Seek to schedule state agencies for termination in a manner which assures that as many committees of reference as possible have sufficient opportunity to develop experience in conducting reviews as provided pursuant to the terms of this chapter, and which assures that no such committee is given responsibility for review of an unreasonable number of state agencies during any legislative session.

(2) In identifying those state agencies to be scheduled for termination, the select joint committee shall consider, but not be limited to, the following factors where applicable:

(a) The extent to which the burden of compliance on the executive and legislative branches with the terms of this chapter is reasonable;

(b) The extent to which a state agency may serve the interests of a particular profession, occupation, or industry as opposed to the interests of the public.

(c) The extent to which a state agency may have outlived its original statutory purpose; and

(d) The potential for fiscal savings.

(3) The select joint committee shall also be responsible for assisting in the implementation of the terms and provisions of this chapter and shall establish proposed procedures which facilitate legislative review as required by this chapter for presentation to the legislature. Such committee shall recommend legislative rules which assure effective and appropriate consideration of all bills and reports regarding termination, modification, consolidation, or reauthorization of state agencies scheduled for termination.

(4) Proposed legislation, recommendations, and findings shall be submitted to the legislature as soon as is practicable, but no later than the first day the legislature is in session after January 1, 1978. [Enacted Laws 1st Ex Sess 1977 ch 289 § 12, effective June 17, 1977; Amended by Laws 1979 ch 22, § 2, effective June 7, 1979.]

CJS States §§ 79, 80, 82, 136.
Key Number Digests: States ⊂⊃ 45.

43.131.130 Legislature—Powers unaffected by enactment of chapter

Nothing in this chapter or RCW 43.06.010 as now or hereafter amended, shall prevent the legislature from abolishing or modifying a state agency scheduled for termination prior to the agency's established termination date or from abolishing or modifying any other state agency. [Enacted Laws 1st Ex Sess 1977 ch 289 § 13, effective June 17, 1977.]

CJS States §§ 79, 80, 82, 136.
Key Number Digests: States ⊂⊃ 45.

43.131.140 Termination of certain programs (as amended by 1979 ch 49)

(1) The following programs shall be terminated on June 30, 1978:

(a) Debt adjusting (chapter 18.82 RCW);
(b) Proprietary schools (chapter 18.82 RCW);
(c) Grist mills (chapter 19.44 RCW); and
(d) Regulation of vessels (chapter 88.04 RCW).

(2) The following state agencies and programs shall be terminated on June 30, 1979:

(a) Driving instructors examining committee;
(b) Water well construction operators examining board;
(c) Escrow commission;
(d) Employment agency advisory board.

(3) The state agencies scheduled for termination in this section shall be subject to all of the processes provided in this chapter. The state agencies set forth in this section may also be included in the schedule of state agencies to be terminated which shall be developed by the select joint committee as provided in RCW 43.131.120. If any state agency set forth in this section is reestablished or modified, such agency shall remain subject to the provisions of RCW 43.131.120. If any state agency set forth in this section is not reestablished or modified according to the provisions of this section, then the inclusion of that state agency in the schedule provided in RCW 43.131.120 shall be null. [Enacted Laws 1st Ex Sess 1977 ch 289, § 14, effective June 17, 1977; Amended by Laws 1979 ch 49 § 1, effective June 7, 1979.]

CJS States §§ 79, 80, 82, 136.
Key Number Digests: States 🔑 45.

43.131.140 Termination of certain programs (as amended by 1979 ch 156)

(1) The following programs shall be terminated on June 30, 1978:

(a) Proprietary schools (chapter 18.82 RCW);
(b) Grist mills (chapter 19.44 RCW); and
(c) Regulation of vessels (chapter 88.04 RCW).

(2) The following state agencies and programs shall be terminated on June 30, 1979:

(a) Driving instructors examining committee;
(b) Water well construction operators examining board;
(c) Forest fire advisory board;
(d) Escrow commission;
(e) Employment agency advisory board.

(3) The state agencies scheduled for termination in this section shall be subject to all of the processes provided in this chapter. The state agencies set forth in this section may also be included in the schedule of state agencies to be terminated which shall be developed by the select joint committee as provided in RCW 43.131.120. If any state agency set forth in this section is reestablished or modified, such agency shall remain subject to the provisions of RCW 43.131.120. If any state agency set forth in this section is not reestablished or modified according to the provisions of this section, then the inclusion of that state agency in the schedule provided in RCW 43.131.120 shall be null. [Enacted Laws 1st Ex Sess 1977 ch 289 § 14, effective June 17, 1977; Amended by Laws 1979 ch 156 § 11, effective June 30, 1979.]

Effective dates—Severability—1979 c 156: See notes following RCWA 18.28.010.

43.131.140 Termination of certain programs (as amended by 1979 1st Ex. Sess. ch 82)

(1) The following programs shall be terminated on June 30, 1978:
- (a) Debt adjusting (chapter 18.28 RCW);
- (b) Proprietary schools (chapter 18.82 RCW);
- (c) Grist mills (chapter 19.44 RCW); and
- (d) Regulation of vessels (chapter 88.04 RCW).

(2) The following state agencies and programs shall be terminated on June 30, 1979:
- (a) Driving instructors examining committee;
- (b) Water well construction operators examining board;
- (c) Forest fire advisory board;
- (d) Escrow commission.

(3) The state agencies scheduled for termination in this section shall be subject to all of the processes provided in this chapter. The state agencies set forth in this section may also be included in the schedule of state agencies to be terminated which shall be developed by the select joint committee as provided in RCW 43.131.120. If any state agency set forth in this section is reestablished or modified, such agency shall remain subject to the provisions of RCW 43.131.120. If any state agency set forth in this section is not reestablished or modified according to the provisions of this section, then the inclusion of that state agency in the schedule provided in RCW 43.131.120 shall be null. [Enacted Laws 1st Ex Sess 1977 ch 289 § 14, effective June 17, 1977; Amended by Laws 1st Ex Sess 1979 ch 82 § 1.]

Reviser's note: RCWA 43.131.140 was amended three times during the 1979 legislative sessions, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCWA 1.12.025.

43.131.145 Review of certain programs by legislative budget committee

(1) The legislative budget committee shall cause to be conducted a program and fiscal review of the following programs in accordance with criteria, where applicable, contained in RCW 43.131.060:
- (a) The department of ecology air quality programs under RCW 43.21A.060 (3) and chapter 70.94 RCW, the Washington clean air act; and
- (b) The department of general administration banking and small loan program under Titles 30 and 32 RCW and chapters 3104 and 31.08 RCW.

(2) Final reports on the program and fiscal reviews required by this section shall be completed on or before September 30, 1980, and transmitted to appropriate standing committees of the house of representatives and the senate. [Added by Laws 1979 ch 99 § 86.]

CJS States §§ 230, 234 to 239.
Key Number Digests: States 🔑 131.

43.131.150 Termination of agencies and programs—Review under Sunset Act

The state agencies and programs scheduled for termination in RCW 43.131.-151 through 43.131.234 shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended. [Added by Laws 1979 ch 99 § 1, effective March 23, 1979.]

43.131.151 Comic book screening—Termination

Comic book screening under chapter 19.18 RCW shall be terminated on June 30, 1981, as provided in RCW 43.131.152. [Added by Laws 1979 ch 99 § 2, effective March 23, 1979.]

43.131.152 Comic book screening—Repeal

Sections 1 through 15, chapter 282, Laws of 1955 and RCW 19.18.010 through 19.18.900, as now existing or hereafter amended, are each repealed, effective June 30, 1982. [Added by Laws 1979 ch 99 § 44, effective March 23, 1979.]

43.131.153 Forest practices appeals board—Termination

The forest practices appeals board and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.154. [Added by Laws 1979 ch 99 § 3, effective March 23, 1979.]

43.131.154 Forest practices appeals board—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 21, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.210;

(2) Section 22, chapter 137, Laws of 1974 ex. sess., section 10, chapter 200, Laws of 1975 1st ex. sess., section 174, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 76.09.220; and

(3) Section 23, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.230. [Added by Laws 1979 ch 99 § 45, effective March 23, 1979.]

43.131.155 Basic science law—Termination

The basic science law under chapter 43.74 RCW shall be terminated on June 30, 1981 as provided in RCW 43.131.156. [Added by Laws 1979 ch 99 § 4, effective March 23, 1979.]

43.131.156 Basic science law—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74.005;

(2) Section 43.74.101, chapter 8, Laws of 1965, section 22, chapter 77, Laws of 1973 and RCW 43.74.010;

(3) Section 43.74.015, chapter 8, Laws of 1965, section 6, chapter 188, Laws of 1967, section 123, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 43.74.015;

(4) Section 43.74.020, chapter 8, Laws of 1965 and RCW 43.74.020;

(5) Section 43.74.025, chapter 8, Laws of 1965 and RCW 43.74.025;

(6) Section 43.74.030, chapter 8, Laws of 1965 and RCW 43.74.030;

(7) Section 43.74.035, chapter 8, Laws of 1965 and RCW 43.74.035;

(8) Section 2, chapter 227, Laws of 1971 ex. sess., section 23, chapter 77, Laws of 1973 and RCW 43.74.037;

(9) Section 43.74.040, chapter 8, Laws of 1965, section 24, chapter 77, Laws of 1973 and RCW 43.74.040;

(10) Section 43.74.050, chapter 8, Laws of 1965 and RCW 43.74.050;

(11) Section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74.060;

(12) Section 43.74.065, chapter 8, Laws of 1965 and RCW 43.74.065;

(13) Section 43.74.075, chapter 8, Laws of 1965 and RCW 43.74.075;

(14) Section 43.74.080, chapter 8, Laws of 1965, section 25, chapter 77, Laws of 1973 and RCW 43.74.080;

(15) Section 1, chapter 227, Laws of 1971 ex. sess., section 26, chapter 77, Laws of 1973 and RCW 43.74.085;

(16) Section 43.74.090, chapter 8, Laws of 1965 and RCW 43.74.090; and

(17) Section 43.74.900, chapter 8, Laws of 1965 and RCW 43.74.900.

[Added by Laws 1979 ch 99 § 46, effective March 23, 1979.]

Reviser's note: With the exception of RCWA 43.74.030, all of the sections repealed by this section were also repealed by 1979 1st ex.s. c 114 § 1, effective September 1, 1979.

43.131.157 Antifreeze vending regulation—Termination

Antifreeze vending regulation under chapter 19.04 RCW shall be terminated on June 30, 1981, as provided in RCW 43.131.158. [Added by Laws 1979 ch 99 § 5, effective March 23, 1979.]

43.131.158 Antifreeze vending regulation—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 121, Laws of 1949 and RCW 19.04.010;
(2) Section 2, chapter 121, Laws of 1949 and RCW 19.04.020;
(3) Section 3, chapter 121, Laws of 1949 and RCW 19.04.030;
(4) Section 4, chapter 121, Laws of 1949 and RCW 19.04.040;
(5) Section 5, chapter 121, Laws of 1949 and RCW 19.04.050;
(6) Section 6, chapter 121, Laws of 1949 and RCW 19.04.060;
(7) Section 7, chapter 121, Laws of 1949 and RCW 19.04.070;
(8) Section 8, chapter 121, Laws of 1949 and RCW 19.04.080;
(9) Section 9, chapter 121, Laws of 1949 and RCW 19.04.090;
(10) Section 10, chapter 121, Laws of 1949 and RCW 19.04.100; and
(11) Section 11, chapter 121, Laws of 1949 and RCW 19.04.110.

[Added by Laws 1979 ch 99 § 47, effective March 23, 1979.]

43.131.159 Criminal justice training commission—Termination

The criminal justice training commission and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.160. [Added by Laws 1979 ch 99 § 6, effective March 23, 1979.]

43.131.160 Criminal justice training commission—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 94, Laws of 1974 ex. sess., section 1, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.010;

(2) Section 2, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.020;

(3) Section 3, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.030;

(4) Section 4, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.040;

(5) Section 5, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.050;

(6) Section 6, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.060;

(7) Section 7, chapter 94, Laws of 1974 ex. sess., section 126 chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 43.101.070;

(8) Section 3, chapter 17, Laws of 1975-76 ex. sess. and RCW 43.101.080;

(9) Section 9, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.090;

(10) Section 10, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.100.;

(11) Section 11, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.110;

(12) Section 12, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.120;

(13) Section 13, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.130;

(14) Section 14, chapter 94, Laws of 1974 ex. sess., section 127, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 43.101.140;

(15) Section 15, chapter 94, Laws of 1974 ex. sess., section 2, chapter 82, Laws of 1975 1st ex. sess. and RCW 43.101.150;

(16) Section 16, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.160;

(17) Section 17, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.170;

(18) Section 18, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.180;

(19) Section 19, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.190;

(20) Section 2, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.200;

(21) Section 3, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.210;

(22) Section 20, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.900; and

(23) Section 22, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.910;

[Added by Laws 1979 ch 99 § 48, effective March 23, 1979.]

43.131.161 State planning advisory council—Termination

The state planning advisory council and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.162. [Added by Laws 1979 ch 99 § 7, effective March 23, 1979.]

43.131.162 State planning advisory council—Repeal

Section 12, chapter 74, Laws of 1967, section 122, chapter 34, Laws of 1975—76 2nd ex. sess. and RCW 43.63A.120, as now existing or hereafter amended, are each repealed, effective June 30, 1982. [Added by Laws 1979 ch 99 § 49, effective March 23, 1979.]

43.131.163 Cascara bark peeling regulation—Termination

Cascara bark peeling regulation under chapter 19.08 RCW shall be terminated on June 30, 1981, as provided in RCW 43.131.164. [Added by Laws 1979 ch 99 § 8, effective March 23, 1979.]

43.131.164 Cascara bark peeling regulation—Repeal

The following acts or parts of acts as now existing or hereafter amended, are each repealed, effective June 30, 1982;

(1) Section 1, chapter 129, Laws of 1943 and RCW 19.08.010;
(2) Section 2, chapter 129, Laws of 1943 and RCW 19.08.020; and
(3) Section 3, chapter 129, Laws of 1943 and RCW 19.08.030.

[Added by Laws 1979 ch 99 § 50, effective March 23, 1979.]

43.131.165 Furniture and bedding industry regulation—Termination

Furniture and bedding industry regulation under chapter 18.45 RCW shall be terminated on June 30, 1981, as provided in RCW 43.131.166. [Added by Laws 1979 ch 99 § 9, effective March 23, 1979.]

43.131.166 Furniture and bedding industry regulation—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 183, Laws of 1951 and RCW 18.45.010;
(2) Section 2, chapter 183, Laws of 1951 and RCW 18.45.020;
(3) Section 3, chapter 183, Laws of 1951 and RCW 18.45.030;
(4) Section 4, chapter 183, Laws of 1951 and RCW 18.45.040;
(5) Section 5, chapter 183, Laws of 1951 and RCW 18.45.050;
(6) Section 6, chapter 183, Laws of 1951 and RCW 18.45.060;
(7) Section 7, chapter 183, Laws of 1951 and RCW 18.45.070;
(8) Section 8, chapter 183, Laws of 1951 and RCW 18.45.080;
(9) Section 9, chapter 183, Laws of 1951 and RCW 18.45.090;
(10) Section 32, chapter 183, Laws of 1951 and RCW 18.45.100;
(11) Section 10, chapter 183, Laws of 1951 and RCW 18.45.110;
(12) Section 11, chapter 183, Laws of 1951 and RCW 18.45.120;
(13) Section 41, chapter 183, Laws of 1951 section 4, chapter 189, Laws of 1971 ex. sess. and RCW 18.45.130;

(14) Section 42, chapter 183, Laws of 1951 and RCW 18.45.140;

(15) Section 43, chapter 183, Laws of 1951 and RCW 18.45.150;

(16) Section 44, chapter 183, Laws of 1951 and RCW 18.45.160;

(17) Section 12, chapter 183, Laws of 1951 and RCW 18.45.170;

(18) Section 13, chapter 183, Laws of 1951 and RCW 18.45.180;

(19) Section 14, chapter 183, Laws of 1951 and RCW 18.45.190;

(20) Section 15, chapter 183, Laws of 1951 and RCW 18.45.200;

(21) Section 16, chapter 183, Laws of 1951 and RCW 18.45.210;

(22) Section 17, chapter 183, Laws of 1951 and RCW 18.45.220;

(23) Section 19, chapter 183, Laws of 1951 and RCW 18.45.230;

(24) Section 20, chapter 183, Laws of 1951 and RCW 18.45.240;

(25) Section 21, chapter 183, Laws of 1951 and RCW 18.45.250;

(26) Section 22, chapter 183, Laws of 1951 and RCW 18.45.260;

(27) Section 23, chapter 183, Laws of 1951 and RCW 18.45.270;

(28) Section 24, chapter 183, Laws of 1951 and RCW 18.45.280;

(29) Section 36, chapter 183, Laws of 1951 and RCW 18.45.290;

(30) Section 25, chapter 183, Laws of 1951 and RCW 18.45.300;

(31) Section 26. chapter 183, Laws of 1951 and RCW 18.45.310;

(32) Section 27, chapter 183, Laws of 1951 and RCW 18.45.320;

(33) Section 28, chapter 183, Laws of 1951 and RCW 18.45.330;

(34) Section 29, chapter 183, Laws of 1951 and RCW 18.45.340;

(35) Section 35, chapter 183, Laws of 1951 and RCW 18.45.350;

(36) Section 30, chapter 183, Laws of 1951 and RCW 18.45.360;

(37) Section 39, chapter 183, Laws of 1951 and RCW 18.45.370;

(38) Section 31, chapter 183, Laws of 1951 and RCW 18.45.380;

(39) Section 37, chapter 183, Laws of 1951 and RCW 18.45.390;

(40) Section 40, chapter 183, Laws of 1951 and RCW 18.45.400;

(41) Section 18, chapter 183, Laws of 1951 and RCW 18.45.410;
(42) Section 33, chapter 183, Laws of 1951 and RCW 18.45.420;
(43) Section 34, chapter 183, Laws of 1951 and RCW 18.45.430;
(44) Section 46, chapter 183, Laws of 1951 and RCW 18.45.440;
(45) Section 47, chapter 183, Laws of 1951 and RCW 18.45.450;
(46) Section 48, chapter 183, Laws of 1951 and RCW 18.45.460;
(47) Section 49, chapter 183, Laws of 1951 and RCW 18.45.470;
(48) Section 38, chapter 183, Laws of 1951 and RCW 18.45.480;
(49) Section 45, chapter 183, Laws of 1951 and RCW 18.45.490;
(50) Section 50, chapter 183, Laws of 1951 and RCW 18.45.500;
(51) Section 51, chapter 183, Laws of 1951 and RCW 18.45.510; and
(52) Section 55, chapter 183, Laws of 1951 and RCW 18.45.900.

[Added by Laws 1979 ch 99 § 51, effective March 23, 1979.]

43.131.167 Regulation of sale or use of shoddy—Termination

Regulation of the sale or use of shoddy under chapter 70.70 RCW shall be terminated on June 30, 1981, as provided in RCW 43.131.168. [Added by Laws 1979 ch 99 § 10, effective March 23, 1979.]

43.131.168 Regulation of sale or use of shoddy—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 2, chapter 56, Laws of 1909 and RCW 70.70.010;
(2) Section 1, chapter 56, Laws of 1909 and RCW 70.70.020;
(3) Section 3, chapter 56, Laws of 1909 and RCW 70.70.030;
(4) Section 4, chapter 56, Laws of 1909 and RCW 70.70.035; and
(5) Section 5, chapter 56, Laws of 1909 and RCW 70.70.040.

[Added by Laws 1979 ch 99 § 52, effective March 23, 1979.]

43.131.169 State athletic commission—Termination

The state athletic commission and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.170. [Added by Laws 1979 ch 99 § 11, effective March 23, 1979.]

43.131.170 State athletic commission—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 184, Laws of 1933 and RCW 67.08.001;
(2) Section 2, chapter 184, Laws of 1933, section 1, chapter 305, Laws of 1959, section 153, chapter 34, Laws of 1975–76 2nd

ex. sess., section 1, chapter 48, Laws of 1975-76 2nd ex. sess. and RCW 67.08.003;

(3) Section 3, chapter 184, Laws of 1933 and RCW 67.08.005;

(4) Section 4, chapter 184, Laws of 1933, section 2, chapter 305, Laws of 1959 and RCW 67.08.007;

(5) Section 5, chapter 184, Laws of 1933 and RCW 67.08.009;

(6) Section 7, chapter 184, Laws of 1933, section 2, chapter 48, Laws of 1975-76 2nd ex. sess. and RCW 67.08.010;

(7) Section 2, chapter 9, Laws of 1977 and RCW 67.08.015;

(8) Section 9, chapter 184, Laws of 1933 and RCW 67.08.030;

(9) Section 10, chapter 184, Laws of 1933, section 4, chapter 48, Laws of 1975-76 2nd ex. sess. and RCW 67.08.040;

(10) Section 11, chapter 184, Laws of 1933 and RCW 67.08.050;

(11) Section 5, chapter 48, Laws of 1975-76 2nd ex. sess. and RCW 67.08.055;

(12) Section 12, chapter 184, Laws of 1933, section 4, chapter 305, Laws of 1959, section 154, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 67.08.060;

(13) Section 14, chapter 184, Laws of 1933, section 5, chapter 305, Laws of 1959, section 1, chapter 45, Laws of 1974 ex. sess. and RCW 67.08.080;

(14) Section 15, chapter 184, Laws of 1933 and RCW 67.08.090;

(15) Section 16, chapter 184, Laws of 1933, section 6, chapter 305, Laws of 1959 and RCW 67.08.100;

(16) Section 17, chapter 184, Laws of 1933 and RCW 67.08.110;

(17) Section 18, chapter 184, Laws of 1933 and RCW 67.08.120;

(18) Section 19, chapter 184, Laws of 1933 and RCW 67.08.130;

(19) Section 22, chapter 184, Laws of 1933, section 1, chapter 48, Laws of 1951, section 7, chapter 305, Laws of 1959 and RCW 67.08.140;

(20) Section 24, chapter 184, Laws of 1933 and RCW 67.08.150; and

(21) Section 25, chapter 184, Laws of 1933 and RCW 67.08.900.

[Added by Laws 1979 ch 99 § 53, effective March 23, 1979.]

43.131.171 State board of geographic names—Termination

The state board of geographic names and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.172. [Added by Laws 1979 ch 99 § 12, effective March 23, 1979.]

43.131.172 State board of geographic names—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.010;

(2) Section 2, chapter 178, Laws of 1973 1st ex. sess., section 1 chapter 26, Laws of 1975 1st ex. sess. and RCW 43.126.020;

(3) Section 3, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.030;

(4) Section 4, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.040;

(5) Section 5, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.050;

(6) Section 6, chapter 178, Laws of 1978 1st ex. sess. and RCW 43.126.060;

(7) Section 7, chapter 178, Laws of 1973 1st ex. sess., and section 133, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 43.126.070; and

(8) Section 8, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.080.

[Added by Laws 1979 ch 99 § 54, effective March 23, 1979.]

43.131.173 State board of funeral directors and embalmers—Termination

The state board of funeral directors and embalmers and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.174. [Added by Laws 1979 ch 99 § 13, effective March 23, 1979.]

43.131.174 State board of funeral directors and embalmers—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 108, Laws of 1937, section 1, chapter 107, Laws of 1965 ex. sess., section 1, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.010;

(2) Section 2, chapter 108, Laws of 1937, and RCW 18.39.020;

(3) Section 2, chapter 52, Laws of 1955, section 2, chapter 107, Laws of 1965 ex. sess., section 23, chapter 292, Laws of 1971 ex. sess. and RCW 18.39.030;

(4) Section 4, chapter 108, Laws of 1937, section 1, chapter 150, Laws of 1945, section 2, chapter 105, Laws of 1947, section 3, chapter 107, Laws of 1965 ex. sess., section 24, chapter 292, Laws of 1971 ex. sess., section 1, chapter 120, Laws of 1972 ex. sess. and RCW 18.39.040;

(5) Section 6, chapter 108, Laws of 1937, section 8, chapter 266, Laws of 1971 ex. sess., section 42, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.050;

(6) Section 5, chapter 108, Laws of 1937, section 4, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.070;

(7) Section 3, chapter 52, Laws of 1955 and RCW 18.39.080;

(8) Section 7, chapter 108, Laws of 1937 and RCW 18.39.100;

(9) Section 10, chapter 108, Laws of 1937, section 43, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.120;

(10) Section 15, chapter 108, Laws of 1937, section 44, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.130;

(11) Section 3, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.145;

(12) Section 4, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.148;

(13) Section 8, chapter 108, Laws of 1937, section 45, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.150;
(14) Section 12, chapter 108, Laws of 1937 and RCW 18.39.160;
(15) Section 16, chapter 108, Laws of 1937 and RCW 18.39.170;
(16) Section 8, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.173;
(17) Section 9, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.175;
(18) Section 12, chapter 93, Laws of 1977 ex. sess. (uncodified);
(19) Section 10, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.177;
(20) Section 11, chapter 108, Laws of 1937, section 2, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.180;
(21) Section 5, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.181;
(22) Section 9, chapter 108, Laws of 1937 and RCW 18.39.190;
(23) Section 15, chapter 215, Laws of 1909 and RCW 18.39.210;
(24) Section 13, chapter 108, Laws of 1937 and RCW 18.39.220;
(25) Section 6, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.223;
(26) Section 7, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.225;
(27) Section 17, chapter 108, Laws of 1937 and RCW 18.39.230; and
(28) Section 18, chapter 108, Laws of 1937 and RCW 18.39.900.

[Added by Laws 1979 ch 99 § 55, effective March 23, 1979.]

43.131.175 Youth services corps act—Termination

The youth services corps act of 1977, chapter 50.48 RCW, shall be terminated on June 30, 1981, as provided in RCW 43.131.176. [Added by Laws 1979 ch 99 § 14, effective March 23, 1979.]

43.131.176 Youth services corps act—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.010;
(2) Section 2, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.020;
(3) Section 3, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.030;
(4) Section 4, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.040;
(5) Section 5, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.050;
(6) Section 6, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.060;

(7) Section 7, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.070;

(8) Section 8, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.080;

(9) Section 9, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.090;

(10) Section 10, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.100; and

(11) Section 11, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.900.

[Added by Laws 1979 ch 99 § 56, effective March 23, 1979.]

43.131.177 Risk management office—Termination

The risk management office within the department of general administration and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.178. [Added by Laws 1979 ch 99 § 15, effective March 23, 1979.]

43.131.178 Risk management office—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19361;

(2) Section 2, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19362;

(3) Section 3, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19363;

(4) Section 9, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19364; and

(5) Section 11, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19365.

[Added by Laws 1979 ch 99 § 57, effective March 23, 1979.]

43.131.179 State energy office—Termination

The state energy office and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.180. [Added by Laws 1979 ch 99 § 16, effective March 23, 1979.]

43.131.180 State energy office—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 108, Laws of 1975–76 2nd ex. sess. and RCW 43.21F.010;

(2) Section 2, chapter 108, Laws of 1975–76 2nd ex. sess. and RCW 43.21F.020;

(3) Section 3, chapter 108, Laws of 1975–76 2nd ex. sess. and RCW 43.21F.030;

(4) Section 4, chapter 108, Laws of 1975–76 2nd ex. sess. and RCW 43.21F.040;

(5) Section 5, chapter 108, Laws of 1975–76 2nd ex. sess. and RCW 43.21F.050;

(6) Section 6, chapter 108, Laws of 1975–76 2nd ex. sess. and RCW 43.21F.060;

(7) Section 7, chapter 108, Laws of 1975-76 2nd ex. sess. and RCW 43.21F.070;

[Added by Laws 1979 ch 99 § 58, effective March 23, 1979.]

43.131.181 Foreign student scholarship program—Termination

The foreign student scholarship program under RCW 28B.10.200 shall be terminated on June 30, 1981, as provided in RCW 43.131.182. [Added by Laws 1979 ch 99 § 17, effective March 23, 1979.]

43.131.182 Foreign student scholarship program—Repeal

Section 28B.10.200, chapter 223, Laws of 1969 ex. sess., section 1, chapter 62, Laws of 1973 and RCW 28B.10.200, as now existing or hereafter amended, are each repealed, effective June 30, 1982. [Added by Laws 1979 ch 99 § 59, effective March 23, 1979.]

43.131.183 Board of registered sanitarians—Termination

The board of registered sanitarians and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.184. [Added by Laws 1979 ch 99 § 18, effective March 23, 1979.]

43.131.184 Board of registered sanitarians—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 1, chapter 200, Laws of 1959 and RCW 18.90.010;

(2) Section 2, chapter 200, Laws of 1959, section 5, chapter 188, Laws of 1967, section 52, chapter 34, Laws of 1975-76 2nd ex. sess and RCW 18.90.020;

(3) Section 3, chapter 200, Laws of 1959 and RCW 18.90.030;

(4) Section 4, chapter 200, Laws of 1959, section 19, chapter 266, Laws of 1971 ex. sess., section 80, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.90.040;

(5) Section 5, chapter 200, Laws of 1959, section 81, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.90.050;

(6) Section 6, chapter 200, Laws of 1959 and RCW 18.90.060;

(7) Section 7, chapter 200, Laws of 1959 and RCW 18.90.070; and

(8) Section 8, chapter 200, Laws of 1959 and RCW 18.90.900.

[Added by Laws 1979 ch 99 § 60, effective March 23, 1979.]

43.131.185 Interagency committee for outdoor recreation—Termination

The interagency committee for outdoor recreation and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.186. [Added by Laws 1979 ch 99 § 19, effective March 23, 1979.]

43.131.186 Interagency committee for outdoor recreation—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 11, chapter 5, Laws of 1965, section 2, chapter 62, Laws of 1967 ex. sess., section 1, chapter 60, Laws of 1971,

section 125, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 43.99.110;

(2) Section 12, chapter 5, Laws of 1965 and RCW 43.99.120;

(3) Section 4, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.122;

(4) Section 5, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.124;

(5) Section 6, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.126;

(6) Section 13, chapter 5, Laws of 1965, section 3, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.130;

(7) Section 7, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.070;

(8) Section 1, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.010;

(9) Section 2, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.020;

(10) Section 3, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.030;

(11) Section 4, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.040;

(12) Section 5, chapter 76, Laws of 1970 ex. sess., section 1, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.050;

(13) Section 6, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.060;

(14) Section 7, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.070;

(15) Section 8, chapter 76, Laws of 1970 ex. sess., section 2, chapter 47, Laws of 1971 ex. sess., section 1, chapter 153, Laws of 1972 ex. sess., section 21, chapter 220, Laws of 1977 ex. sess. and RCW 67.32.080;

(16) Section 9, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.090;

(17) Section 10, chapter 76, Laws of 1970 ex. sess., section 3, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.100;

(18) Section 11, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.110;

(19) Section 12, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.120;

(20) Section 4, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.130; and

(21) Section 5, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.140.

[Added by Laws 1979 ch 99 § 61, effective March 23, 1979.]

42.131.87 Cemetery board—Termination

The cemetery board and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.188. [Added by Laws 1979 ch 99 § 20, effective March 23, 1979.]

43.131.188 Cemetery board—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 26, chapter 290, Laws of 1953 and RCW 68.05.010;

(2) Section 27, chapter 290, Laws of 1953 and RCW 68.05.020;

(3) Section 28, chapter 290, Laws of 1953 and RCW 68.05.030;

(4) Section 31, chapter 290, Laws of 1953, section 1, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.040;

(5) Section 32, chapter 290, Laws of 1953, section 2, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.050;

(6) Section 33, chapter 290, Laws of 1953, section 156, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 68.05.060;

(7) Section 34, chapter 290, Laws of 1953 and RCW 68.05.070;

(8) Section 35, chapter 290, Laws of 1953 and RCW 68.05.080;

(9) Section 39, chapter 290, Laws of 1953 and RCW 68.05.090;

(10) Section 36, chapter 290, Laws of 1953 and RCW 68.05.100;

(11) Section 37, chapter 290, Laws of 1953 and RCW 68.05.110;

(12) Section 38, chapter 290, Laws of 1953 and RCW 68.05.120;

(13) Section 42, chapter 290, Laws of 1953, section 12, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.130;

(14) Section 43, chapter 290, Laws of 1953, section 13, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.140;

(15) Section 44, chapter 290, Laws of 1953, section 14, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.150;

(16) Section 45, chapter 290, Laws of 1953, section 15, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.160;

(17) Section 46, chapter 290, Laws of 1953, section 1, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.170;

(18) Section 40, chapter 290, Laws of 1953, section 16, chapter 68, Laws of 1973 1st ex. sess., section 3, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.180;

(19) Section 41, chapter 290, Laws of 1953 and RCW 68.05.190;

(20) Section 47, chapter 290, Laws of 1953 and RCW 68.05.200;

(21) Section 48, chapter 290, Laws of 1953, section 2, chapter 90, Laws of 1969 ex. sess. and RCW 68.05.210;

(22) Section 50, chapter 290, Laws of 1953, section 3, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.220;

(23) Section 51, chapter 290, Laws of 1953, section 4, chapter 99, Laws of 1969 ex. sess., section 4, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.230;

(24) Section 52, chapter 290, Laws of 1953 and RCW 68.05.240;

(25) Section 49, chapter 290, Laws of 1953 and RCW 68.05.250;

(26) Section 5, chapter 99, Laws of 1969 ex. sess., section 17, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.255;

(27) Section 53, chapter 290, Laws of 1953 and RCW 68.05.260;

(28) Section 29, chapter 290, Laws of 1953 and RCW 68.05.270; and

(29) Section 30, chapter 290, Laws of 1953, section 1, chapter 133, Laws of 1961 and RCW 68.05.280.

[Added by Laws 1979 ch 99 § 62, effective March 23, 1979.]

43.131.189 Planning and community affairs agency—Termination

The planning and community affairs agency and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.190. [Added by Laws 1979 ch 99 § 21, effective March 23, 1979.]

43.131.190 Planning and community affairs agency—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 74, Laws of 1967 and RCW 43.63A.010;
(2) Section 2, chapter 74, Laws of 1967 and RCW 43.63A.020;
(3) Section 3, chapter 74, Laws of 1967 and RCW 43.63A.030;
(4) Section 4, chapter 74, Laws of 1967, section 10, chapter 40, Laws of 1975 and RCW 43.63A.040;
(5) Section 5, chapter 74, Laws of 1967 and RCW 43.63A.050;
(6) Section 6, chapter 74, Laws of 1967 and RCW 43.63A.060;
(7) Section 7, chapter 74, Laws of 1967, section 28, chapter 151, Laws of 1977 ex. sess. and RCW 43.63A.070;
(8) Section 8, chapter 74, Laws of 1967, section 63, chapter 75, Laws of 1977 and RCW 43.63A.080;
(9) Section 1, chapter 53, Laws of 1969 ex. sess., section 64, chapter 75, Laws of 1977 and RCW 43.63A.085;
(10) Section 9, chapter 74, Laws of 1967 and RCW 43.63A.090;
(11) Section 10, chapter 74, Laws of 1967 and RCW 43.63A.100;
(12) Section 11, chapter 74, Laws of 1967 and RCW 43.63A.110;
(13) Section 13, chapter 74, Laws of 1967 and RCW 43.63A.130;
(14) Section 14, chapter 74, Laws of 1967 and RCW 43.63A.140; and
(15) Section 16, chapter 74, Laws of 1967 and RCW 43.63A.900.

[Added by Laws 1979 ch 99 § 63, effective March 23, 1979.]

43.131.191 Adult services advisory committee—Termination

The adult services advisory committee to the department of social and health services and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.192. [Added by Laws 1979 ch 99 § 22, effective March 23, 1979.]

43.131.192 Adult services advisory committee—Cessation of existence

The adult services advisory committee to the department of social and health services, as authorized under RCW 43.20A.360, as now existing or hereafter amended, shall cease to exist on June 30, 1982. [Added by Laws 1979 ch 99 § 64, effective March 23, 1979.]

43.131.193 Consumer advisory committee—Termination

The consumer advisory committee to the department of social and health services and its powers and duties shall be terminated on June 30, 1981, as provided in RCW 43.131.194. [Added by Laws 1979 ch 99 § 23, effective March 23, 1979.]

43.131.194 Consumer advisory committee—Cessation of existence

The consumer advisory committee to the department of social and health services, as authorized under RCW 43.20A.360, as now existing or hereafter amended, shall cease to exist on June 30, 1982. [Added by Laws 1979 ch 99 § 65, effective March 23, 1979.]

43.131.195 State capitol historical association—Termination

The state capitol historical association and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.196. [Added by Laws 1979 ch 99 § 24, effective March 23, 1979.]

43.131.196 State capitol historical association—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 44, Laws of 1941, section 1, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.010;

(2) Section 2, chapter 44, Laws of 1941, section 2, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.030;

(3) Section 4, chapter 44, Laws of 1941 and RCW 27.36.040;

(4) Section 5, chapter 44, Laws of 1941, section 3, chapter 62, Laws of 1965 ex. sess., section 16, chapter 75, Laws of 1977 and RCW 27.36.050;

(5) Section 4, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.060;

(6) Section 5, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.070;

(7) Section 2, chapter 30, Laws of 1899 and RCW 27.40.020; and

(8) Section 3, chapter 160, Laws of 1949, section 3, chapter 47, Laws of 1957 and RCW 27.48.030.

[Added by Laws 1979 ch 99 § 66, effective March 23, 1979.]

43.131.197 Eastern Washington historical society—Termination

The eastern Washington historical society and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.198. [Added by Laws 1979 ch 99 § 25, effective March 23, 1979.]

43.131.198 Eastern Washington historical society—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 187, Laws of 1925 ex. sess., section 1, chapter 35, Laws of 1973, section 15, chapter 75, Laws of 1977, section 3, chapter 81, Laws of 1977 ex. sess. and RCW 27.32.010;

(2) Section 2, chapter 187, Laws of 1925 ex. sess., section 2, chapter 35, Laws of 1973 and RCW 27.32.020;

(3) Section 3, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.030; and

(4) Section 3, chapter 160, Laws of 1949, section 3, chapter 47, Laws of 1957 and RCW 27.48.030.

[Added by Laws 1979 ch 99 § 67, effective March 23, 1979.]

43.131.199 Washington state historical society—Termination

The Washington state historical society and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.200. [Added by Laws 1979 ch 99 § 26, effective March 23, 1979.]

43.131.200 Washington state historical society—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 177, Laws of 1903, section 14, chapter 75, Laws of 1977, section 2, chapter 81, Laws of 1977 ex. sess. and RCW 27.28.010;

(2) Section 2, chapter 177, Laws of 1903 and RCW 27.28.020;

(3) Section 1, chapter 31, Laws of 1965 and RCW 27.28.021;

(4) Section 2, chapter 31, Laws of 1965 and RCW 27.28.022;

(5) Section 3, chapter 177, Laws of 1903 and RCW 27.28.030; and

(6) Section 1, chapter 64, Laws of 1915 and RCW 27.28.040. [Added by Laws 1979 ch 99 § 68, effective March 23, 1979.]

43.131.201 Washington archaeological research center—Termination

The Washington archaeological research center and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.202. [Added by Laws 1979 ch 99 § 27, effective March 23, 1979.]

43.131.202 Washington archaeological research center—Cessation of existence

The archaeological research center, authorized under chapter 39.34 RCW, as now existing or hereafter amended, shall cease to exist on June 30, 1984. [Added by Laws 1979 ch 99 § 69, effective March 23, 1979.]

43.131.203 Office of archaeology and historic preservation—Termination

The office of archaeology and historic preservation and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.204. [Added by Laws 1979 ch 99 § 28, effective March 23, 1979.]

43.131.204 Office of archaeology and historic preservation—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.010;

(2) Section 2, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.020;

(3) Section 3, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.030;

(4) Section 17, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.040;

(5) Section 18, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.050;

(6) Section 4, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.060;

(7) Section 5, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.070;

(8) Section 6, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.080;

(9) Section 7, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.090;

(10) Section 8, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.100; and

(11) Section 19, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.140.

[Added by Laws 1979 ch 99 § 70, effective March 23, 1979.]

43.131.205 Economic assistance authority—Termination

The economic assistance authority under chapter 43.31A RCW shall be terminated on June 30, 1983, as provided in RCW 43.131.206. [Added by Laws 1979 ch 99 § 29, effective March 23, 1979.]

43.131.206 Economic assistance authority—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.010;

(2) Section 2, chapter 117, Laws of 1972 ex. sess., section 111, chapter 34, Laws of 1975–76 2nd ex. sess. and RCW 43.31A.020;

(3) Section 3, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.030;

(4) Section 4, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.040;

(5) Section 5, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.050;

(6) Section 6, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.060;

(7) Section 7, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.070;

(8) Section 8, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.080;

(9) Section 9 chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.090;

(10) Section 10, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.100;

(11) Section 11, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.110;

(12) Section 12, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.120;

(13) Section 13, chapter 117, Laws of 1972 ex. sess., section 1, chapter 296, Laws of 1977 ex. sess. and RCW 43.31A.130;

(14) Section 14, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.140;

(15) Section 15, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.150;

(16) Section 16, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.160;

(17) Section 17, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.170;

(18) Section 18, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.180;

(19) Section 19, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.190;

(20) Section 20, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.200;

(21) Section 21, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.210;

(22) Section 22, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.220;

(23) Section 23, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.230;

(24) Section 24, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.240;

(25) Section 25, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.250;

(26) Section 26, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.260;

(27) Section 27, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.270;

(28) Section 28, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.280;

(29) Section 29, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.290;

(30) Section 30, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.300;

(31) Section 31, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.310;

(32) Section 32, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.300;

(33) Section 33, chapter 117, Laws of 1972 ex. sess., section 55, chapter 75, Laws of 1977 and RCW 43.31A.330;

(34) Section 34, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.900;

(35) Section 35, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.910; and

(36) Section 37, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.920;

[Added by Laws 1979 ch 99 § 71, effective March 23, 1979.]

43.131.207 Washington state school directors association—Termination

The Washington state school directors association and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.208. [Added by Laws 1979 ch 99 § 30, effective March 23, 1979.]

43.131.208 Washington state school directors association—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 28A.61.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.010;

(2) Section 28A.61.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.020;

(3) Section 28A.61.030, chapter 223, Laws of 1969 ex. sess., section 4, chapter 184, Laws of 1969 ex. sess., section 1, chapter 101, Laws of 1974 ex. sess. and RCW 28A.61.030;

(4) Section 28A.61.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.040;

(5) Section 28A.61.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 125, Laws of 1969 and RCW 28A.61.050; and

(6) Section 28A.61.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.060;

[Added by Laws 1979 ch 99 §72, effective March 23, 1979.]

43.131.209 State jail commission—Termination

The state jail commission and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.210. [Added by Laws 1979 ch 99 §31, effective March 23, 1979.]

43.131.210 State jail commission—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 3, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.030;

(2) Section 4, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.040;

(3) Section 5, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.050;

(4) Section 6, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.060;

(5) Section 7, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.070; and

(6) Section 8, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.080.

[Added by Laws 1979 ch 99 §73, effective March 23, 1979.]

43.131.211 Municipal research council—Termination

The municipal research council under chapter 43.110 RCW and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.212. [Added by Laws 1979 ch 99 §32, effective March 23, 1979.]

43.131.212 Municipal research council—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 2, chapter 108, Laws of 1969, section 1, chapter 218, Laws of 1975 1st ex. sess., section 129, chapter 34, Laws of 1975–76 2nd ex. sess. and RCW 43.110.010; and

(2) Section 82.44.160, chapter 15, Laws of 1961, section 1, chapter 115, Laws of 1961, section 1, chapter 108, Laws of 1969, section 7, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.160. [Added by Laws 1979 ch 99 § 74, effective March 23, 1979.]

43.131.213 State board of health—Termination

The powers and duties of the state board of health shall be terminated on June 30, 1983, as provided in RCW 43.131.214. [Added by laws 1979 ch 99 § 33, effective March 23, 1979.]

43.131.214 State board of health—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 36.62.020, chapter 4, Laws of 1963 and RCW 36.62.020;

(2) Section 43.20.030, chapter 8, Laws of 1965, section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030;

(3) Section 43.20.050, chapter 8, Laws of 1965, section 9, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.050;

(4) Section 43.20.100, chapter 8, Laws of 1965, section 44, chapter 75, Laws of 1977 and RCW 43.20.100;

(5) Section 43.20.140, chapter 8, Laws of 1965 and RCW 43.20.140;

(6) Section 11, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.200;

(7) Section 1, chapter 197, Laws of 1957 and RCW 69.06.010;

(8) Section 2, chapter 197, Laws of 1957 and RCW 69.06.020;

(9) Section 5, chapter 197, Laws of 1957 and RCW 69.06.050;

(10) Section 16, chapter 190, Laws of 1939, section 1, chapter 30, Laws of 1961 and RCW 69.16.115;

(11) Section 17, chapter 190, Laws of 1939, section 2, chapter 30, Laws of 1961 and RCW 69.16.120;

(12) Section 16, chapter 112, Laws of 1939 and RCW 69.20.095;

(13) Section 17, chapter 112, Laws of 1939 and RCW 69.20.100;

(14) Section 3, chapter 144, Laws of 1955 and RCW 69.30.030;

(15) Section 5, chapter 144, Laws of 1955 and RCW 69.30.050;

(16) Section 6, chapter 144, Laws of 1955 and RCW 69.30.060;

(17) Section 12, chapter 102, Laws of 1967 ex. sess., section 1, chapter 25, Laws of 1969 ex. sess. and RCW 70.01.010;

(18) Section 16, chapter 51, Laws of 1967 ex. sess. and and RCW 70.05.110;

(19) Section 4, chapter 114, Laws of 1919 and RCW 70.24.040;

(20) Section 8, chapter 114, Laws of 1919 and RCW 70.24.070;

(21) Section 6, chapter 54, Laws of 1967 and RCW 70.28.035;

(22) Section 3, chapter 267, Laws of 1955, section 9, chapter 189, Laws of 1971 ex. sess. and RCW 70.41.030;

(23) Section 1, chapter 231, Laws of 1969 ex. sess. and RCW 70.54.110;

(24) Section 6, chapter 177, Laws of 1959 and RCW 70.58.350;

(25) Section 5, chapter 82, Laws of 1967 and RCW 70.83.050; and

(26) Section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927 and RCW 85.08.020.

[Added by Laws 1979 ch 99 § 75, effective March 23, 1979.]

43.131.215 Washington state commission on Asian-American affairs—Termination

The Washington state commission on Asian-American affairs and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.216. [Added by Laws 1979 ch 99 § 34, effective March 23, 1979.]

43.131.216 Washington state commission on Asian-American affairs—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.010;

(2) Section 2, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.020;

(3) Section 3, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.030;

(4) Section 4, chapter 140, Laws of 1974 ex. sess., section 131, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 43.117.040;

(5) Section 5, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.050;

(6) Section 6, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.060;

(7) Section 7, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.070;

(8) Section 8, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.080;

(9) Section 9, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.090;

(10) Section 10, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.100;

(11) Section 11, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.900; and

(12) Section 14, chapter 140, Laws of 1974 ex. sess., section 1, chapter 297, Laws of 1977 ex. sess. and RCW 43.117.910.

[Added by Laws 1979 ch 99 § 76, effective March 23, 1979.]

43.131.217 Traffic safety commission—Termination

The traffic safety commission and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43:131,218. [Added by Laws 1979 ch 99 § 35, effective March 23, 1979.]

43.131.218 Traffic safety commission—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.010;

(2) Section 2, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.020;

(3) Section 3, chapter 147, Laws of 1967 ex. sess., section 1, chapter 105, Laws of 1969 ex. sess., section 7, chapter 85, Laws of 1971 ex. sess. and RCW 43.59.030;

(4) Section 4, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.040;

(5) Section 6, chapter 147, Laws of 1967 ex. sess., section 120, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 43.59.050;

(6) Section 7, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.060;

(7) Section 8, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.070;

(8) Section 9, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.080;

(9) Section 10, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.090;

(10) Section 11, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.100;

(11) Section 12, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.110;

(12) Section 13, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.120; and

(13) Section 14, chapter 147, Laws of 1967 ex. sess., section 5, chapter 195, Laws of 1971 ex. sess. and RCW 43.59.130;

[Added by Laws 1979 ch 99 § 77; effective March 23, 1979.]

43.131.219 Regulation of cosmetology—Termination

The state regulation of cosmetology as prescribed in chapter 18.18 RCW shall be terminated on June 30, 1983, as provided in RCW 43.131.220. [Added by Laws 1979 ch 99 § 36, effective March 23, 1979.]

43.131.220 Regulation of cosmetology—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 25, Laws of 1974 ex. sess. and RCW 18.18.010;

(2) Section 8, chapter 215, Laws of 1937, section 17, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.020;

(3) Section 1, chapter 215, Laws of 1937, section 2, chapter 3, Laws of 1965 ex. sess., section 18, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.030;

(4) Section 18, chapter 215, Laws of 1937, section 19, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.040;

(5) Section 2, chapter 180, Laws of 1951, section 3, chapter 52, Laws of 1957, section 3, chapter 324, Laws of 1959, section 21, chapter 148, Laws of 1973, 1st ex. sess. and RCW 18.18.050;

(6) Section 2, chapter 324, Laws of 1959, section 3, chapter 3, Laws of 1965 ex. sess., section 22, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.065;

(7) Section 4, chapter 180, Laws of 1951, section 5, chapter 52, Laws of 1957, section 4, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.070;

(8) Section 9, chapter 215, Laws of 1937, section 5, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.080;

(9) Section 5, chapter 180, Laws of 1951, section 3, chapter 313, Laws of 1955, section 4, chapter 324, Laws of 1959, section 6, chapter 3, Laws of 1965 ex. sess., section 23, chapter 148, Laws of 1973 1st ex. sess., section 13, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.090;

(10) Section 7, chapter 215, Laws of 1937, section 7, chapter 3, Laws of 1965 ex. sess., section 24, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.100;

(11) Section 1, chapter 168, Laws of 1953 and RCW 18.18.102;

(12) Section 2, chapter 168, Laws of 1953, section 8, chapter 3, Laws of 1965 ex. sess., section 30, chapter 34, Laws of 1975- 76 2nd ex. sess. and RCW 18.18.104;

(13) Section 3, chapter 168, Laws of 1953 and RCW 18.18.106;

(14) Section 4, chapter 168, Laws of 1953 and RCW 18.18.108;

(15) Section 4, chapter 313, Laws of 1955, section 9, chapter 3, Laws of 1965 ex. sess., section 25, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.110;

(16) Section 14, chapter 215, Laws of 1937, section 6, chapter 180, Laws of 1951, section 10, chapter 3, Laws of 1965 ex. sess., section 14, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.120;

(17) Section 5, chapter 313, Laws of 1955 and RCW 18.18.130;

(18) Section 7, chapter 180, Laws of 1951, section 6, chapter 313, Laws of 1955, section 5, chapter 324, Laws of 1959, section 11, chapter 3, Laws of 1965 ex. sess., section 3, chapter 266, Laws of 1971 ex. sess., section 27, chapter 148, Laws of 1973, 1st ex. sess., section 15, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.140;

(19) Section 6, chapter 52, Laws of 1957 and RCW 18.18.150;

(20) Section 7, chapter 52, Laws of 1957, section 6, chapter 324, Laws of 1959 and RCW 18.18.160;

(21) Section 8, chapter 52, Laws of 1957, section 7, chapter 324, Laws of 1959 and RCW 18.18.170

(22) Section 6, chapter 215, Laws of 1937 and RCW 18.18.180;

(23) Section 8, chapter 180, Laws of 1951, section 9, chapter 52, Laws of 1957, section 12, chapter 3, Laws of 1965 ex. sess., section 26, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.190;

(24) Section 4, chapter 215, Laws of 1937 and RCW 18.18.200;

(25) Section 9, chapter 180, Laws of 1951, section 10, chapter 52, Laws of 1957, section 13, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.210;

(26) Section 15, chapter 215, Laws of 1937, section 8, chapter 324, Laws of 1959, section 28, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.220;

(27) Section 16, chapter 215, Laws of 1937, section 15, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.230;

(28) Section 14, chapter 3, Laws of 1965 ex. sess., 31, chapter 34, Laws of 1975- 76 2nd ex. sess., section 9, chapter 75, Laws of 1977 and RCW 18.18.251;

(29) Section 11, chapter 52, Laws of 1957, section 9, chapter 324, Laws of 1959, section 17, chapter 3, Laws of 1965 ex. sess., section 29, chapter 148, Laws of 1973 1st ex. sess., section 1, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.260;

(30) Section 12, chapter 52, Laws of 1957, section 30, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.270;

(31) Section 16, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.290;

(32) Section 20, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.300;

(33) Section 19, chapter 215, Laws of 1937 and RCW 18.18.900; and

(34) Section 20, chapter 215, Laws of 1937 and RCW 18.18.910

[Added by Laws 1979 ch 99 § 78, effective March 23, 1979.]

43.131.221 State Advisory committee—Termination

The state advisory committee to the department of social and health services and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.222. [Added by Laws 1979 ch 99 § 37, effective March 23, 1979.]

43.131.222 State Advisory committee—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370;

(2) Section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375; and

(3) Section 15, chapter 189, Laws of 1971 ex. sess., section 99, chapter 34, Laws of 1975- 76 2nd ex. sess. and RCW 43.20A.380.

[Added by Laws 1979 ch 99 § 79, effective March 23, 1979.]

43.131.223 Regulation of barbering and men's hairstyling—Termination

The state regulation of barbering and men's hairstyling as prescribed in chapter 18.15 RCW shall be terminated on June 30, 1983, as provided in RCW 43.131.224. [Added by Laws 1979 ch 99 § 38, effective March 23, 1979.]

43.131.224 Regulation of barbering and men's hairstyling—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 75, Laws of 1923, section 1, chapter 211, Laws of 1927, section 1, chapter 52, Laws of 1957, section 1, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.010;

(2) Section 2, chapter 75, Laws of 1923, section 1, chapter 209, Laws of 1929, section 1, chapter 199, Laws of 1937, section 1, chapter 51, Laws of 1949, section 1, chapter 16, Laws of 1951, section 2, chapter 223, Laws of 1967 and RCW 18.15.020;

(3) Section 3, chapter 75, Laws of 1923, section 2, chapter 199, Laws of 1937, section 2, chapter 51, Laws of 1949, section 2, chapter 16, Laws of 1951, section 1, chapter 101, Laws of 1957,

section 3, chapter 223, Laws of 1967, section 4, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.040;

(4) Section 3, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.045;

(5) Section 6, chapter 75, Laws of 1923, section 5, chapter 211, Laws of 1927, section 3, chapter 209, Laws of 1929, section 4, chapter 51, Laws of 1949, section 3, chapter 16, Laws of 1951, section 4, chapter 84, Laws of 1959, section 4, chapter 223, Laws of 1967, section 2, chapter 148, Laws of 1973 1st ex. sess., section 5, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.050;

(6) Section 7, chapter 101, Laws of 1957 and RCW 18.15.051;

(7) Section 8, chapter 101, Laws of 1957, section 5, chapter 223, Laws of 1967 and RCW 18.15.052;

(8) Section 9, chapter 101, Laws of 1957, section 6, chapter 223, Laws of 1967 and RCW 18.15.053;

(9) Section 10, chapter 101, Laws of 1957 and RCW 18.15.054;

(10) Section 11, chapter 101, Laws of 1957, section 1, chapter 188, Laws of 1967, section 28, chapter 34, Laws of 1975- 76 2nd ex. sess. and RCW 18.15.055;

(11) Section 12, chapter 101, Laws of 1957, section 8, chapter 223, Laws of 1967 and RCW 18.15.056;

(12) Section 7, chapter 75, Laws of 1923, section 6, chapter 211, Laws of 1927, section 4, chapter 209, Laws of 1929, section 14, chapter 101, Laws of 1957, section 9, chapter 223, Laws of 1967, section 2, chapter 266, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1973 1st ex. sess., section 6, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.060;

(13) Section 3, chapter 84, Laws of 1959, section 10, chapter 223, Laws of 1967, section 5, chapter 148, Laws of 1973 1st ex. sess., section 7, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.065;

(14) Section 12, chapter 75, Laws of 1923, section 9, chapter 211, Laws of 1927, section 11, chapter 223, Laws of 1967 and RCW 18.15.070;

(15) Section 13, chapter 75, Laws of 1923, section 10, chapter 211, Laws of 1927, section 4, chapter 199, Laws of 1937, section 5, chapter 51, Laws of 1949, section 4, chapter 16, Laws of 1951 and RCW 18.15.080;

(16) Section 14, chapter 75, Laws of 1923, section 11, chapter 211, Laws of 1927, section 6, chapter 209, Laws of 1929, section 1, chapter 102, Laws of 1947, section 12, chapter 223, Laws of 1967, section 6, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.090;

(17) Section 2, chapter 84, Laws of 1959, section 14, chapter 223, Laws of 1967, section 8, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.095;

(18) Section 13, chapter 223, Laws of 1967, section 7, chapter 148, Laws of 1973, 1st. ex. sess., section 9, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.097;

(19) Section 8, chapter 172, Laws of 1901, section 5, chapter 75, Laws of 1923, section 3, chapter 199, Laws of 1937, section 3, chapter 51, Laws of 1949, section 2, chapter 101, Laws of 1957, section 5, chapter 84, Laws of 1959, section 15, chapter

223, Laws of 1967, section 8, chapter 148, Laws of 1973, 1st ex. sess., section 10, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.100;

(20) Section 7, chapter 209, Laws of 1929, section 6, chapter 51, Laws of 1949, section 6, chapter 84, Laws of 1959, section 16, chapter 223, Laws of 1967, section 9, chapter 148, Laws of 1973, 1st ex. sess. and RCW 18.15.110;

(21) Section 15, chapter 75, Laws of 1923, section 17, chapter 223, Laws of 1967 and RCW 18.15.120;

(22) Section 13, chapter 101, Laws of 1957, section 7, chapter 84, Laws of 1959, section 18, chapter 223, Laws of 1967, section 11, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.125;

(23) Section 4, chapter 101, Laws of 1957, section 19, chapter 223, Laws of 1967 and RCW 18.15.130;

(24) Section 5, chapter 101, Laws of 1957, section 20, chapter 223, Laws of 1967, section 29, chapter 34, Laws of 1975- 76 2nd ex. sess, and RCW 18.15.140;

(25) Section 6, chapter 101, Laws of 1957, section 21, chapter 223, Laws of 1967 and RCW 18.15.150;

(26) Section 17, chapter 75, Laws of 1923, section 12, chapter 211, Laws of 1927, section 8, chapter 209, Laws of 1929, section 22, chapter 223, Laws 1967 and RCW 18.15.160;

(27) Section 10, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.200;

(28) Section 11, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.210;

(29) Section 12, chapter 148, Laws of 1973 1st ex. sess., section 12, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.220;

(30) Section 13, chapter 148, Laws of 1973, 1st ex. sess. and RCW 18.15.230;

(31) Section 14, chapter 148, Laws of 1973, 1st ex. sess. and RCW 18.15.240;

(32) Section 15, chapter 148, Laws of 1973, 1st ex. sess. and RCW 18.15.250; and

(33) Section 19, chapter 75, Laws of 1923 and RCW 18.15.900. [Added by Laws 1979 ch 99 § 80, effective March 23, 1979.]

43.131.225 Washington state commission for the blind—Termination

The Washington state commission for the blind and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.226. [Added by Laws 1979 ch 99 § 39, effective March 23, 1979.]

43.131.226 Washington state commission for the blind—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 74.16.030, chapter 26, Laws of 1950, section 1, chapter 128, Laws of 1965, section 1, chapter 78, Laws of 1967, section 9, chapter 169, Laws of 1971 ex. sess. and RCW 74.16.030;

(2) Section 74.16.040, chapter 26, Laws of 1959 and RCW 74.16.040;

(3) Section 74.16.170, chapter 26, Laws of 1959, section 16, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.170;

(4) Section 1, chapter 59, Laws of 1967, section 17, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.181;

(5) Section 2, chapter 59, Laws of 1967, section 18, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.183;

(6) Section 74.16.190, chapter 26, Laws of 1959, section 19, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.190;

(7) Section 74.16.300, chapter 26, Laws of 1959, section 20, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.300;

(8) Section 1, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.400;

(9) Section 2, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.410;

(10) Section 3, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.420;

(11) Section 4, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.430;

(12) Section 5, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.440;

(13) Section 6, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.450;

(14) Section 7, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.460;

(15) Section 8, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.470;

(16) Section 9, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.480;

(17) Section 10, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.490;

(18) Section 11, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.500;

(19) Section 12, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.510;

(20) Section 13, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.520;

(21) Section 14, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.530;

(22) Section 24, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.540;

(23) Section 1, chapter 251, Laws of 1975 1st ex. sess., section 21, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.010;

(24) Section 2, chapter 251, Laws of 1975 1st ex. sess., section 22, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.020;

(25) Section 3, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.030; and

(26) Section 4, chapter 251, Laws of 1975 1st ex. sess., section 23, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.040.

[Added by Laws 1979 ch 99 § 81, effective March 23, 1979.]

43.131.227 State veterans affairs advisory committee—Termination

The state veterans affairs advisory committee and its powers and duties shall be terminated on June 30, 1983, as provided in RCW

43.131.228. [Added by Laws 1979 ch 99 § 40, effective March 23, 1979.]

43.131.228 State veterans affairs advisory committee—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984;

(1) Section 14, chapter 115, Laws of 1975-76 2nd ex. sess., section 1, chapter 285, Laws of 1977 ex. sess. and RCW 43.60A.080; and

(2) Section 2, chapter 285, Laws of 1977 ex. sess. and RCW 43.60A.081.

[Added by Laws 1979 ch 99 § 82, effective March 23, 1979.]

43.131.229 Automotive policy board—Termination

The department of general administration automotive policy board and its powers and duties shall be terminated on June 30, 1983, as provided in RCW 43.131.230. [Added by Laws 1979 ch 99 § 41, effective March 23, 1979.]

43.131.230 Automotive policy board—Repeal

Section 6, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.580, as now existing or hereafter amended, are each repealed, effective June 30, 1984. [Added by Laws 1979 ch 99 § 83, effective March 23, 1979.]

43.131.231 Contractor registration program—Termination

The department of labor and industries contractor registration program under chapter 18.27 RCW shall be terminated on June 30, 1983, as provided in RCW 43.131.232. [Added by Laws 1979 ch 99 § 42, effective March 23, 1979.]

43.131.232 Contractor registration program—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1984:

(1) Section 1, chapter 77, Laws of 1963, section 5, chapter 126, Laws of 1967, section 1, chapter 118, Laws of 1972 ex. sess., section 1, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.010;

(2) Section 2, chapter 77, Laws of 1963, section 2, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.020;

(3) Section 3, chapter 77, Laws of 1963, section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030;

(4) Section 4, chapter 77, Laws of 1963, section 1, chapter 126, Laws of 1967, section 2, chapter 118, Laws of 1972 ex. sess., section 4, chapter 153, Laws of 1973 1st ex. sess., section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040;

(5) Section 5, chapter 77, Laws of 1963 and RCW 18.27.050;

(6) Section 6, chapter 77, Laws of 1963, section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060;

(7) Section 7, chapter 77, Laws of 1963, section 2, chapter 126, Laws of 1967, section 5, chapter 153, Laws of 1973 1st ex. sess., section 1, chapter 66, Laws of 1977 ex. sess. and RCW 18.27.070;

(8) Section 8, chapter 77, Laws of 1963, section 3, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.080;

(9) Section 6, chapter 126, Laws of 1967 and RCW 18.27.085;

(10) Section 2, chapter 25, Laws of 1974 ex. sess. and RCW 18.27.090;

(11) Section 10, chapter 77, Laws of 1963 and RCW 18.27.100;

(12) Section 4, chapter 126, Laws of 1967 and RCW 18.27.110;

(13) Section 3, chapter 70, Laws of 1967 and RCW 39.06.010;

(14) Section 5, chapter 118, Laws of 1972 ex. sess., section 7, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.120;

(15) Section 4, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.130;

(16) Section 2, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.140; and

(17) Section 11, chapter 77, Laws of 1963 and RCW 18.27.900.

[Added by Laws 1979 ch 99 § 84, effective March 23, 1979.]

43.131.233 State voting machine committee—Termination

The state voting machine committee under RCW 43.17.070(3) shall be terminated on June 30, 1981, as provided in RCW 43.131.234. [Added by Laws 1979 ch 99 § 43, effective March 23, 1979.]

43.131.234 State voting machine committee—Repeal

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1982:

(1) Section 29.33.030, chapter 9, Laws of 1965 and RCW 29.33.030;

(2) Section 29.33.040, chapter 9, Laws of 1965, section 13, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.040;

(3) Section 29.33.050, chapter 9, Laws of 1965, section 14, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.050;

(4) Section 29.33.060, chapter 9, Laws of 1965, section 15, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.060;

(5) Section 29.33.070, chapter 9, Laws of 1965, section 16, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.070;

(6) Section 29.33.080, chapter 9, Laws of 1965, section 17, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.080;

(7) Section 29.33.090, chapter 9, Laws of 1965 and RCW 29.33.090;

(8) Section 29.33.100, chapter 9, Laws of 1965, section 20, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.100;

(9) Section 18, chapter 109, Laws of 1967 ex. sess., section 1, chapter 6, Laws of 1971 ex. sess., section 66, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.080; and

(10) Section 19, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.090;

[Added by Laws 1979 ch 99 § 85, effective March 23, 1979.]

43.131.240 Washington State Public Broadcasting Commission—Termination—Limitation

The Washington State Public Broadcasting Commission and its powers and duties shall terminate on June 30, 1983, and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended. [Added by Laws 1980 ch 123 § 14.]

Washington State Public Broadcasting Commission: Chapter 28A.91 RCWA.

43.131.900 Expiration of 1977 ex.s. c 289—Exception

Except for sections 14, 15, and 17 of this 1977 amendatory act,* this 1977 amendatory act** shall expire on June 30, 1984, unless extended by law for an additional fixed period of time.

[Enacted Laws 1st Ex Sess 1977 ch 289, § 16, effective June 17, 1977; Amended by Laws 1979 ch 22 § 3, effective June 7, 1979.]

**Reviser's Note:* "Sections 14, 15, and 17 of this 1977 amendatory act" consist of RCW 43.131.140 (section 14), RCW 43.06.010 (section 15), and section 17 (uncodified) which is a repealer.

***Reviser's Note:* "this 1977 amendatory act" consists of RCW 4.131.010, 43.131.020, 43.131.030, 43.131.040, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.090, 43.131.100, 43.131.110, 43.131.120, 43.131.130, 43.131.140, and 43.131.900; the 1977 amendment to RCW 43.06.010; the repeal of 69 sections of the Revised Code of Washington; a severability clause; and an emergency clause.

43.131.910 Severability—1979 c 99

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [Added by Laws 1979 ch 99 § 90, effective March 23, 1979.]

WEST VIRGINIA

WEST VIRGINIA SUNSET LAW

W. Va. Code Ann. § 4-10-1 et seq. (1980 Cum. Supp.)

ARTICLE 10.—THE WEST VIRGINIA SUNSET LAW

Sec.
4-10-1. Short title.
4-10-2. Legislative findings.
4-10-3. Definitions.
4-10-4. Termination of governmental entities or programs.
4-10-5. Continuance of existence of governmental entity or program after termination and purpose therefor; continuance of powers and authority after termination; cessation of all activities; reestablishment of terminated governmental entity or program.
4-10-6. Continuation or reestablishment of governmental entities or programs scheduled for termination.
4-10-7. Joint committee on government operations created; membership; compensation and expenses; meetings.
4-10-8. Powers of the committee; failure of witnesses to appear, testify or produce records; public hearings; allowance of per diem and mileage for witnesses.
4-10-9. Performance and fiscal audits of governmental entities and programs by the committee.
4-10-10. Reports by the committee.
4-10-11. Bill for continuation and reestablishment of governmental entity.
4-10-12. Preservation of rights and claims.
4-10-13. Article not to be construed as limiting new legislation.
4-10-14. Immediate termination of certain governmental entities.

§ 4-10-1. Short title.

This article shall be known as and may be cited as the "West Virginia Sunset Law." (1979, c. 104.)

4-10-2. Legislative findings.

The legislature finds that state governmental actions have produced a substantial increase in the number of governmental entities, growth of programs and proliferation of rules and regulations and that the whole process developed without sufficient legislative oversight, regulatory accountability or a system of checks and balances; that often governmental entities have been created without a demonstrable need and evidence that the benefits to the public clearly justify their creation; that once established, governmental entities tend to acquire a "permanent" status, often without regard for the condition that originally gave rise to their establishment; that the personnel of such entities are often beyond the effective control of elected officials, and that efforts to force their modernization or even to review their performance and impact have typically proven difficult at best; that too often, governmental entities acquire a combination of autonomy and authority inconsistent with democratic principles as well as a capacity for self-perpetuation incompatible with principles of accountability; and that by establishing a system for the termination, continuation or reestablishment of such governmental entities, the position of the legislature to evaluate the need for the continued existence of existing and future governmental entities will be enhanced. (1979, c. 104.)

§ 4-10-3. Definitions.

As used in this article, unless the context clearly indicates a different meaning:

(1) "Committee" means the joint committee on government operations, hereinafter created, to perform duties under this article.

(2) "Governmental entity" means any office, department, board, agency, commission, bureau, authority, division or council of the state of West Virginia. In addition, the term "governmental entity" wherever used in this article shall be construed to also mean the "powers and jurisdiction" vested in officers mentioned in section four [§ 4-10-4] of this article but not the actual officers themselves.

(3) "Program" means a program administered by a governmental entity and supported by appropriations made by the legislature.

(4) "Person" means any individual, partnership, corporation, labor organization, association, personal representative of a decedent, trustee, trustee in bankruptcy, receiver, guardian, committee for an incompetent or conservator. (1979, c. 104.)

§ 4-10-4. Termination of governmental entities or programs.

The following governmental entities and programs shall be terminated on the date indicated but no governmental entity or program shall be terminated under this article unless a performance audit has been conducted of such entity or program, except as authorized under section fourteen [§ 4-10-14] of this article:

(1) On the first day of July, one thousand nine hundred eighty-one: Commission on uniform state laws; judicial council of West Virginia; geological and economic survey commission; motor vehicle license certificate appeal board; child welfare licensing board; department of labor.

(2) On the first day of July, one thousand nine hundred eighty-two: Ohio River basin commission; Ohio River valley water sanitation commission; commission on postmortem examination; state commission on manpower, training and technology; southern regional education board; department of corrections.

(3) On the first day of July, one thousand nine hundred eighty-three: Office of the workmen's compensation commissioner.

(4) On the first day of July, one thousand nine hundred eighty-four: The following divisions of the programs of the department of agriculture: Soil conservation committee, rural resource division, meat inspection; and the following divisions of programs of the department of natural resources: Water resources, U.S. geological survey, rabies control, work incentive program; West Virginia alcoholic beverage control licensing advisory board; driver's license advisory board; oil and gas inspectors' examining board.

(5) On the first day of July, one thousand nine hundred eighty-five: Department of welfare.

(6) On the first day of July, one thousand nine hundred eighty-six: Division of archives and history; state board of insurance; interstate commission on the Potomac River basin. (1979, c. 104; 1980, c. 121.)

Cross reference.—As to immediate termination of certain governmental entities, see § 4-10-14. Continuation of state board of insurance as state board of risk and insurance management, see § 29-12-12. State membership in interstate commission on the Potomac River basin continued, see § 29-1C-4.

Effect of amendment of 1980.—The amendment added subdivisions (1), (3), and (5), and changed the termination date of certain agencies listed elsewhere in the section.

§ 4-10-5. Continuance of existence of governmental entity or program after termination and purpose therefor; continuance of powers and authority after termination; cessation of all activities; reestablishment of terminated governmental entity or program.

Upon termination, each governmental entity or program shall continue in existence until the first day of July of the next succeeding year for the purpose of winding up its affairs. During such year, termination shall not reduce or otherwise limit the powers or authority of each such governmental entity or program. Upon the expiration of one year after termination, each such governmental entity or program shall cease all activities: Provided, that a governmental entity or program which has been terminated pursuant to the provisions of this article, may be reestablished by the legislature. (1979, c. 104.)

§ 4-10-6. Continuation or reestablishment of governmental entities or programs scheduled for termination.

The life of any governmental entity or program scheduled for termination under the provisions of section four [§ 4-10-4] of this article may be continued or reestablished by the legislature for a period of time not to exceed six years. (1979, c. 104.)

Cross reference. State membership in interstate commission on the Potomac River basin continued, § 29-1C-4.

§ 4-10-7. Joint committee on government operations created; membership; compensation and expenses; meetings.

There is hereby created a statutory body to be known as the joint committee on government operations. Said committee shall be composed of five members of the senate, to be appointed by the president thereof, no more than three of whom shall be appointed from the same political party; five members of the house of delegates, to be appointed by the speaker thereof, no more than three of whom shall be appointed from the same political party; and five citizens of this state who are not legislators, public officials or public employees, to be appointed by the governor to serve at his will and pleasure, not more than three of whom shall be appointed from the same political party, and at least one of whom shall reside in each congressional district of this state. All citizen members shall sign a conflict of interest statement. The committee shall be headed by two cochairmen, one to be selected by the president of the senate from the members appointed from the senate, and one to be selected by the speaker of the house of delegates from the members appointed from the house of delegates. All members of the committee shall serve until their successors shall have been appointed as heretofore provided. Members of the committee shall receive such compensation and reimbursement for expenses in connection with performance of interim duties between regular sessions of the legislature as may be authorized by the citizens legislative compensation commission established by section thirty-three, article six [art. VI, § 33] of the Constitution of West Virginia. Each citizen member of the committee shall receive thirty-five dollars per diem for each day or substantial portion thereof that he is engaged in the work of the committee, in addition to reimbursement for his necessary expenses incurred in the performance of his duties under this article, such reimbursement to be subject to the same limitations as govern the expenses of the legislative members of the committee. Compensation and expenses shall be paid from an appropriation to be made expressly for the committee, but if no such appropriation be made or the total amount appropriated has been expended, such expenses shall be paid from the appropriation under "Account No. 103 for Joint Expenses," but no expense of any kind whatever payable under said Account No. 103 for joint expenses shall be incurred unless first approved by the joint committee on government and finance. The committee shall meet upon call of the cochairmen or either of them and may meet at any time, both during sessions of the legislature and in the interim. (1979, c. 104.)

§4-10-8. Powers of the committee; failure of witnesses to appear, testify or produce records; public hearings; allowance of per diem and mileage for witnesses.

In order to carry out the duties set forth in section nine [§4-10-9] of this article, the committee, or any duly authorized employee of the committee, shall have access to any and all records of every state governmental entity or program scheduled for termination under the provisions of section four [§4-10-9] of this article.

In addition to its regular and special meetings, the committee, or any employee duly authorized by the committee, is empowered to hold public hearings in furtherance of the purposes of this article, at such times and places within the state as may be deemed desirable, and any member of the committee shall have the power to administer oaths to persons testifying at such hearings or meetings.

By subpoena, issued over the signature of either cochairman of the committee and served in the manner provided by law, the committee may summon and compel the attendance of witnesses and their examination under oath and the production of all books, papers, documents and records necessary or convenient to be examined and used by the committee in the performance of its duties. If any witness subpoenaed to appear at any hearing or meeting shall refuse or fail to appear to answer questions put to him, or shall refuse or fail to produce books, papers, documents or records within his control when the same are demanded, the committee, in its discretion, may enforce obedience to its subpoena by attachment, fine or imprisonment, as provided in section five, article one of this chapter; or it may report the facts to the circuit court of Kanawha county or any other court of competent jurisdiction and such court shall compel obedience to the subpoena as though such subpoena had been issued by such court in the first instance.

Witnesses subpoenaed to attend such hearings or meetings, except officers or employees of the state, shall be allowed the same mileage and per diem as is allowed witnesses before any petit jury. (1979, c. 104.)

§4-10-9. Performance and fiscal audits of governmental entities and programs by the committee.

It shall be the duty of the committee to conduct a performance and fiscal audit of every governmental entity or program scheduled for termination to ascertain whether there is a demonstrable need for the continuation of the particular entity or program under consideration, and whether the entity or program should be continued.

Following a performance and fiscal audit, as hereinafter provided, the committee shall cease further inquiry regarding any such governmental entity or program and shall report its findings and recommendations to the legislature as provided in section ten [§4-10-10] of this article.

In conducting such performance and fiscal audits, the committee shall consider all relevant factors and, among other things, determine the following:

(1) The nature of the objectives intended for the program or entity and the problem or need which it was intended to address, the extent to which the objectives have been achieved, and any activities of the entity or program in addition to those granted by statute and the authority for these activities;

(2) The extent to which the governmental entity or program has operated in the public interest and the extent to which its operation has been impeded or enhanced by existing statutes and any other circumstances bearing upon the governmental entity's or program's capacity or authority to operate in the public interest, including budgetary, resource and personnel matters;

(3) The extent to which the jurisdiction of the entity or program duplicates those of other entities and programs and the extent to which the entity or program or its activities could be consolidated with others;

(4) The efficiency with which the agency operates;

(5) The extent to which the governmental entity or program has recommended statutory changes to the legislature which would benefit the public;

(6) The extent to which the entity or program issues and enforces rules relating to potential conflicts of interest of its employees;

(7) The extent to which affirmative action requirements of state and federal statutes and constitutions have been complied with by the governmental entity or program;

(8) The extent to which the governmental entity or program has encouraged participation by the public in making its decisions;

(9) The impact in terms of federal intervention or loss of federal funds if the agency is abolished;

(10) The extent to which the governmental entity or program has caused an unnecessary burden on any citizen or other governmental entity or program by its decisions and activities.

The joint committee on government operations may employ such persons, skilled in the field of performance audit, as it may deem necessary to carry out its duties and responsibilities under this section. (1979, c. 104.)

§ 4-10-10. Reports by the committee.

The committee shall complete its deliberations with respect to any governmental entity or program scheduled to be terminated and make a report thereon to the legislature not later than ten days after the legislature convenes in regular session in the year of the scheduled termination for the entity or program: Provided, that any such report required in the year one thousand nine hundred eighty-one, and every fourth year thereafter shall be made not later than ten days after the legislature convenes on the second Wednesday in February. Such report shall consist of a full and complete analysis of the governmental entity or program including the need for the governmental entity or program, the benefits to the public as opposed to the burden on the public and such other matters as are expressly mandated to be considered by the committee as set forth in section nine [§ 4-10-9] of this article, together with the recommendations of the committee. The committee shall make one of three recommendations: (1) The governmental entity or program be terminated as scheduled, (2) the governmental entity or program be continued and reestablished, or (3) the governmental entity or program be continued and reestablished, but the statutes governing the entity should be amended in specific ways to correct discriminatory practices and procedures, burdensome rules and regulations, lack of protection of the public interest, inefficiency, overlapping of jurisdiction with other governmental entities, unwarranted exercise of authority either in law or in fact and any other deficiencies.

Copies of such reports shall be made immediately available to all members of the legislature, to the governmental entity or program which is the subject of the report and the public generally. A copy of each report shall be formally filed by the committee with the clerk of each house. (1979, c. 104.)

§ 4-10-11. Bill for continuation and reestablishment of governmental entity.

In the event the committee recommends the continuation and reestablishment of such governmental entity or program, its report shall be accompanied by a bill originating in such standing committee to effectuate its recommendation.

No bill shall provide for the continuation and reestablishment of more than one governmental entity or program. (1979, c. 104).

§ 4-10-12. Preservation of rights and claims.

Nothing in this article shall be construed as adversely affecting any right or claim by any person against a governmental entity or program or by any governmental entity or program against any person. Responsibility for prosecuting or defending any such rights or claims should the legislature fail to continue and reestablish a governmental entity or program within one year after its termination shall be assumed by the attorney general of the state. (1979, c. 104).

§ 4-10-13. Article not to be construed as limiting new legislation.

Nothing in this article shall be construed as limiting or interfering with the right of any member of the legislature to introduce or the legislature from considering any bill that would create a new state governmental entity or program or amend the law with respect to an existing one. (1979, c. 104).

§ 4-10-14. Immediate termination of certain governmental entities.

(a) The legislature finds that the following governmental entities or programs are inactive and unnecessary and should not be continued:

(1) The commission on energy, economy and environment, created in article seventeen [§§ 5-17-1 to 5-17-9], chapter five of this Code;

(2) The bureau of negro welfare and statistics, created in article five [§§ 29-5-1 to 29-5-4], chapter twenty-nine of this Code;

(3) The Droop mountain battlefield commission, created in section one [§ 20-4-1], article four, chapter twenty of this Code;

(4) The Prickett's Fort state park commission, created in section one [§ 20-4-1], article four, chapter twenty of this Code;

(5) The Point Pleasant battle monument commission, created in section one [§ 20-4-1], article four, chapter twenty of this Code;

(6) The Philippi battlefield memorial commission, created in section one [§ 20-4-1], article four, chapter twenty of this Code; and

(7) The mining council, created in section two [§ 20-6B-2], article six-B, chapter twenty of this Code.

(b) The governmental entities or programs listed in subsection (a) of this section shall be terminated on the first day of July, one thousand nine hundred seventy-nine. (1979, c. 104.)

Cross reference.—As to termination of certain governmental entities and programs on July 1, 1980, July 1, 1982 and July 1, 1984, see § 4-10-4.

WYOMING

Sunset Law

Wyo. Stat. Ann. § 28-10-101 et seq. (1979 Cum. Supp.)

CHAPTER 10.—SUNSET LAW

Sec.
28-10-101. Definitions.
28-10-102. Termination of agencies.
28-10-103. Termination or continued existence of state agencies.

§ 28-10-101. Definitions.

(a) As used in this act:

(i) "Agency" means any state agency, division or department of any state agency, institution, council, board, commission, or like unit or subunit of state government enumerated in W.S. 28-10-102;

(ii) "Committee" means the committee created by W.S. 28-10-103;

(iii) "Termination" means the abolition or annulment of any agency;

(iv) "This act" means W.S. 28-10-101 through 28-10-103. (Laws 1979, ch. 31, § 1.)

Editor's note.—There is no subsection (b) in this section as it appears in the printed acts.

§ 28-10-102. Termination of agencies.

(a) The following agencies shall terminate on July 1, 1981:

(i) Council for children and youth, W.S. 14-7-101 through 14-7-104;

(ii) Budget division, department of administration and fiscal control, W.S. 9-3-2007;

(iii) Board of podiatry, W.S. 33-9-101 through 33-9-113;

(iv) Department of fire prevention and electrical safety, W.S. 35-9-101 through 35-9-140;

(v) Water quality division, department of environmental quality, W.S. 35-11-105, 35-11-301 and 35-11-302;

(vi) Occupational health and safety commission, W.S. 27-11-101 through 27-11-114;

(vii) Weather modification board, W.S. 9-3-1501 through 9-3-1509;

(viii) Industrial development division, department of economic planning and development, W.S. 9-3-314;

(ix) Hospital advisory council, W.S. 35-2-305;

(x) Investment advisory council, W.S. 9-3-1701 through 9-3-1703; and

(xi) Governor's office of highway safety. (Laws 1979, ch. 31, § 1.)

Editor's note.—There is no subsection (b) in this section as it appears in the printed acts.

§ 28-10-103. Termination or continued existence of state agencies.

(a) Upon termination under W.S. 28-10-102, each agency shall continue in existence until July 1 of the next succeeding year for the purpose of winding up its affairs. During the wind-up period, termination shall not reduce or otherwise limit the powers or authority of each respective governmental agency. On July 1 of the next succeeding year after termination, each respective agency shall cease all activities.

(b) Notwithstanding the provisons of W.S. 28-10-102, any agency scheduled for termination may be continued or reestablished by the legislature for periods not to exceed six (6) years. Any newly created agency shall automatically terminate after six (6) years unless continued or reestablished by the legislature for a period not to exceed six (6) years.

(c) The management council of the Wyoming legislature shall appoint a committee of not less than five (5) legislators representing both the Wyoming house of representatives and senate, to supervise a management audit of each agency scheduled for termination under W.S. 28-10-102. Audits shall be completed at least six (6) months prior to the date established by W.S. 28-10-102 for termination. In conducting the audit, the committee shall consider the factors enumerated in subsection (e) of this section. A copy of the report shall be distributed to each member of the Wyoming legislature.

(d) Upon completion of the audit report and prior to the termination, continuation or reestatblishment of any agency, the committee shall hold at least one (1) public hearing, to review the audit report and receive testimony from the public and the executive director or chairman of the agency and the agency involved. During the course of the hearing the agency shall bear the burden of demonstrating a need for its continued existence and the extent to which a change in the statutory authorization of the agency may increase the efficiency of the administration or operation of the agency.

(e) During hearings under subsection (d) of this section the committee in determining whether or not an agency has demonstrated a need for its continued existence shall consider the following factors, among others:

(i) The extent to which the agency has permitted qualified applicants to serve the public;

(ii) The extent to which compliance has been achieved by the agency or the industry it regulates in accordance with requirements of state and federal statutes;

(iii) The extent to which the agency is operated in the public interest and the extent to which to which it operation has been impeded or enhanced by existing statutes, procedures and practices by any other state agency, and any other circumstances, including budgetary, resources and personnel matters;

(iv) The extent [to] which the agency has recommended statutory changes to the Wyoming legislature which would benefit the public it regulates;

(v) The extent to which the agency has required the persons or industry it regulates to report to it concerning the impact of rules and decisions of the agency on the public regarding improved service, economy of service and availablility of service;

(vi) The extent to which the agency has encouraged participation by the public in making its rules and its decisions as opposed to participation solely by the persons it regulates;

(vii) The purpose, powers, duties and functions of the agency currently performed;

(viii) The identity of all agencies under the direct advisory control of the agency under review;

(ix) Any powers, duties or functions which are inconsistent with current and projected public needs and which should be terminated or altered;

(x) Whether the agency is complying with Wyoming law and the directions of the Wyoming legislature;

(xi) Whether the program of the agency could be more efficiently performed by private enterprise;

(xii) Whether the program would be desirable for private enterprise to perform;

(xiii) The number and names of other agencies engaged in the same programs, whether duplication exists, the nature of the duplication and whether the duplication can be eliminated.

(xiv) Cost effectiveness of the agency's operation;

(xv) Such other matters as the committee may wish to include in the report; and

(xvi) Economic impact to the Wyoming economy of the agency's rules and operations.

(f) If the committee recommends that an agency should be extended for an additional six (6) years, it shall introduce a bill during the next ensuing legislative session extending the life of the agency for an additional six (6) years.

(g) W.S. 28-10-101 through 28-10-103 shall not cause the dismissal of any claim or right of a citizen against any agency or any claim or right of an agency terminated pursuant to W.S. 28-10-101 through 28-10-103 which is subject to litigation. The claims and rights shall be assumed by the attorney general. (Laws 1979, ch. 31, § 1.)

Appropriation.—Section 2, ch. 31, Laws 1979, reads: "There is hereby aopropriated seventy-five thousand dollars ($75,000.00) to carry out the purposes of this act."

Effective date.—Section 3, ch. 31, Laws 1979, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art, 4, § 8, Wyo. Const. Approved February 15, 1979.